United Nations CEDAW/C/KAZ/1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
12 October 2000
English
Original: Russian

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Initial reports of States parties

Kazakhstan*

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00-68609 (E) 281100 281100

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Preface

The Republic of Kazakhstan ratified the Convention on the Elimination of All Forms of Discrimination against Women on 29 July 1998. Under Directive No. 106-r issued by the Prime Minister on 13 July 1999, a working group was established to draw up this report, headed by the Minister of the Republic of Kazakhstan and the Chairperson of the President's National Commission on the Family and Women, Ms. A. B. Samakova. The working group included representatives of non-governmental organizations (NGOs), international organizations and high-ranking state officials.

A draft of the report, prepared on the basis of extensive factual and analytical material submitted by ministries, departments, NGOs and international organizations, was made available to the public, whose comments, proposals and wishes were taken into consideration when the report was finalized. To the extent possible, full and exhaustive replies have been given to the questions posed by the Convention on the Elimination of All Forms of Discrimination against Women.

In preparing the report, the working group followed the guidelines concerning the form and content of initial reports submitted in accordance with article 18, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women.

The report presents an analysis of the main standard-setting legislative acts of the Republic of Kazakhstan which relate to women's interests and rights and to questions covered by the Convention.

General information: the country and its people

1. The Republic of Kazakhstan, with a population estimated on 1 January 1999 at 14,957,800, stretches over an area of 2,724,900 square kilometres. The population density is 5.5 persons per square kilometre, and the capital is Astana. There are 14 regions in the republic, with 159 districts, 84 cities and 241 villages.

Kazakhstan is the ninth largest country in the world, after the Russian Federation, China, the United States of America, Argentina, Brazil, Canada, India and Australia. It has 12,187 kilometres of borders, which it shares with China, Kyrgyzstan, Uzbekistan, Turkmenistan and the Russian Federation. The country stretches some 3,000 kilometres from west to east and 1,600 kilometres from north to south. It includes forest-steppe, semi-desert and desert temperate regions. In January, average temperatures rise from -18° C in the north and east to -3° C in the southern most regions. In July, average temperatures range from 19° C in the north to 28° C in the south. There are four climatic zones in the country — forest-steppe, steppe, semi-desert and desert. The highest point in Kazakhstan is Mount Khan-Tengri (7,010 metres), and the lowest is the Karagiye Depression (132 metres below sea level). The present-day fauna includes 172 species of mammals, 490 species of birds, 51 species of reptiles, 12 amphibious species and over 100 species of fish. Kazakhstan is bordered on the south-west by the Caspian and Aral inland seas. It is the largest landlocked country in the world.

Natural resource potential

2. Kazakhstan has a wise variety of minerals, with deposits of 99 of the 105 elements in Mendeleyev's periodic table. It has the largest known reserves of zinc, tungsten and barium sulphate, the second largest known reserves of silver, lead and chromite, the third largest known reserves of copper and fluorite, the fourth largest known reserves of molybdenum and the sixth largest known gold deposits.

Among the countries of the Commonwealth of Independent States (CIS), Kazakhstan's ranking for mineral deposits is as follows: first place for chromite ores and lead, second for petroleum, silver, copper, manganese, zinc, nickel and phosphorus, and third for gas, coal, gold and tin.

Among the CIS countries, Kazakhstan ranks first in silver, chromite, lead and zinc production, second for petroleum, coal, copper, nickel and phosphate production, and third for gold extraction.

According to surveys of the country's mineral wealth, the resources with the greatest economic importance are coal, petroleum, copper, iron, lead, zinc, chromite, gold and manganese.

History

3. Ancient manuscripts first mentioned a union of tribes, the largest of which was called the Saki, living in Kazakhstan in the middle of the first millennium BC. In the early medieval period, in the sixth and seventh centuries AD, the Turkic Kaganate played a significant role in the formation of an ethnic identity. In the third and fourth centuries AD, the formation of a Turkic ethnic group had taken place in eastern Turkistan and the Altai region. The Turkic peoples were the sole masters of the silk road leading to the Mediterranean countries. Islam spread extensively in the tenth to twelfth centuries. Turkic writing developed, based on the Arabic alphabet. The period from the thirteenth to fifteenth century is linked with the history of Genghis Khan's Golden Horde. In the fourteenth and fifteenth centuries, the Kazakh language developed out of the Kypchak group of Turkic languages.

The break-up of the Golden Horde led to the formation of a large number of States. In Kazakhstan, three practically independent Khanates known as the Elder, Middle and Younger Zhuzes emerged. The strengthening of the Kazakh Khanate ran contrary to the interest of a number of neighbouring States, and a struggle for national independence soon ensued.

The complexity of the external political situation prompted the Kazakhs to seek solutions, one of which was the joining of the Younger Zhuz to Russia in 1731. Kazakhstan was fully integrated into Russia in the 1860s. From October 1917 to March 1918, the Soviets consolidated their power in the country.

Between 1921 and 1940, Kazakhstan was transformed from an agrarian to an industrial-agricultural society. In the post-war period, the country became the site of nuclear weapons testing, which was halted only after 40 years. In general terms, the Soviet era transformed Kazakhstan into an agro-industrial country with a highly educated intelligentsia. Kazakhstan obtained independence in 1991, and on 1 December 1991 its first President, N. A. Nazarbaev, was elected.

Population

4. According to the Statistics Agency of the Republic of Kazakhstan, at the beginning of 1999 the population[1] was 14,957,800, including 7,752,300 women (51.8 per cent). The population had declined since 1995 by 718,000 (or 4.6 per cent).

5. Kazakhstan ranks 93rd among 175 countries in the Human Development Index (it had ranked 61st in 1991).

Population by age and gender

6. At the beginning of 1998, population in the main age groups was: 0 to 15 years — 4,737,400 (31.2 per cent); of working age — 8,656,300 (57.0 per cent); over working age — 1,794,500 (11.8 per cent). In 1997, more boys were born than girls, and there were more boys than girls under 17 years of age, while among persons over 17, women outnumbered men, owing in part to differences between the male and female mortality rates. In 1997, among persons from 0 to 16 years of age, males outnumbered females by 55,300 (i.e., there were 1,022 males for 1,000 females), and among persons over 17, women outnumbered men by 602,100 (or 888 men per 1,000 women).

Life expectancy

7. The average life expectancy is falling. From 1990 to 1997 it decreased by 4.1 years, to 64. It is 58.5 for men and 69.9 for women.

[1] Populations for the entire period between censuses, as adjusted according to preliminary results.

Table 1
Population breakdown by gender and age

(Beginning of year, in thousands)

Age	1990			1998		
	Total	Men	Women	Total	Men	Women
Overall population	**16 298.0**	**7 888.6**	**8 409.4**	**15 188.2**	**7 320.7**	**7 867.5**
by age group						
0 to 1 year	372.4	190.3	182.1	220.3	112.1	108.2
1 to 4 years	1 525.0	772.2	752.8	1 047.2	534.2	513.0
5 to 9 years	1 703.9	860.8	843.1	1 578.4	800.8	777.6
10 to 14 years	1 581.5	796.3	785.2	1 596.8	801.0	795.8
15 to 19 years	1 422.7	727.4	695.3	1 408.7	703.2	705.5
20 to 24 years	1 306.2	671.1	635.1	1 293.6	642.9	650.7
25 to 29 years	1 488.2	745.7	742.5	1 152.7	605.4	547.3
30 to 34 years	1 373.5	685.1	688.4	1 121.6	553.4	568.2
35 to 39 years	1 136.8	559.8	577.0	1 230.0	603.5	626.5
40 to 44 years	802.0	391.0	411.0	1 015.8	491.4	524.4
45 to 49 years	622.9	296.3	326.6	850.6	401.4	449.2
50 to 54 years	890.2	421.9	468.3	459.5	214.5	245.0
55 to 59 years	542.2	250.8	291.4	661.3	295.7	365.6
60 to 64 years	599.7	244.1	355.6	509.2	222.6	286.6
65 to 69 years	335.3	111.1	224.2	411.6	162.5	249.1
70 to 74 years	214.7	65.3	149.4	314.7	101.0	213.7
75 to 79 years	203.3	56.2	147.1	145.4	39.5	105.9
80 to 84 years	110.3	27.9	82.4	93.1	20.8	72.3
85 to	67.2	15.3	51.9	77.7	14.8	62.9

Birth rate and mortality

8.

Table 2
Births and deaths by gender

	Births			*Deaths*		
	Total	*Male*	*Female*	*Total*	*Male*	*Female*
1985	396 929	202 926	194 003	126 786	67 166	59 620
1990	362 081	186 139	175 942	128 576	67 984	60 592
1991	353 174	180 837	172 337	134 324	71 227	63 097
1992	337 612	173 537	164 075	137 518	72 858	64 660
1993	315 482	162 651	152 831	156 070	83 971	72 099
1994	305 624	158 073	147 551	160 339	86 093	74 246
1995	276 125	142 418	133 707	168 656	92 890	75 766
1996	253 175	130 441	122 734	166 028	92 235	73 793
1997	232 356	119 423	112 933	160 138	88 813	71 325
1998	222 380	114 868	107 512	154 314	86 041	68 273

General birth and mortality rates

In 1998 the birth rate was 14.8 and the mortality rate 10.2.

Infant mortality

9. Overall infant mortality, like infant mortality in towns and rural areas, is decreasing. In 1997, it stood at 24.9 per mille, and in four years it had dropped by 20 per cent. In 1998, 4,843 children under one year of age died, including 2,019 girls and 2,824 boys.

Table 3
Infant mortality, by gender

Per 1,000 live births

Year	*Male*	*Female*
1990	29.4	23.4
1991	31.4	23.4
1992	29.5	22.5
1993	32.1	24.4
1994	30.6	23.8
1995	31.4	23.1
1996	28.7	22.0
1997	28.3	20.7
1998	24.4	18.6

Infant mortality rate
(Per 1,000 live births)[2]

The infant mortality rate was 21.6 per thousand births. In urban areas it was 24.1, and in rural areas, 19.0. The largest groups of fatalities resulted from conditions arising in the perinatal period (33.8 per cent) ad pulmonary diseases (28.2 per cent).

Mortality

10. The number of deaths was 7.6 per mille in 1987, 10.4 in 1997 and 10.2 in 1998.

Main causes of mortality

11. Among persons of working age, mortality continues to increase more quickly among men than women. The breakdown of mortality by causes remained essentially unchanged in 1998. Among all deaths, 48.7 per cent were attributable to circulatory diseases, 13.5 per cent to accidents, poisoning and trauma, 13.1 per cent to oncological disorders, 7.3 per cent to pulmonary diseases and 4.8 per cent to infectious and parasitic diseases.

Table 4
Causes of death, 1998

	Males	*Females*
Total number of deaths from all causes	**86 044**	**68 270**
including:		
Infectious and parasitic diseases	5 855	1 600
Malignant tumours	11 116	8 931
Endocrine system diseases, nutritional disorders and metabolic and immune system diseases	609	1 001
Blood and haematogenic diseases	74	71
Mental disorders	488	237
Nervous and sensory system diseases	838	600
Circulatory system diseases	35 231	39 919
Pulmonary diseases	7 116	4 174
Diseases of the digestive tract	3 251	2 294
Congenital disorders	615	458
Accidents, homicide, suicide and other external factors	**16 302**	**4 597**
of which:		
Transport accidents	1 625	511
Accidental alcohol poisoning	949	287
Falls	337	107
Suicide	3 601	729
Homicide	2 035	689

[2] A live birth is defined as the full separation or removal of the foetus from the mother after a period of 28 weeks or more of pregnancy (i.e., a foetus of 35 centimetres or more, weighing at least 1,000 grams), capable after separation from the mother of independently taking at least one breath. Live births also include foetuses born before the twenty-eighth week of pregnancy (i.e., under 35 centimetres and 1,000 grams) which live for more than seven days (or beyond the end of the perinatal period).

Table 5
Suicides, by gender and age

	1995		1996		1997		1998	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
All deaths	**3 927**	**881**	**4 016**	**780**	**3 902**	**764**	**3 601**	**729**
Age group:								
Under 20	283	84	295	84	306	112	260	89
20-24	400	76	397	84	398	79	388	74
25-29	412	60	399	73	359	47	376	72
30-39	937	122	1 006	110	955	151	799	126
40-49	786	112	872	120	844	113	791	104
50-59	611	128	578	118	546	82	480	94
60-69	344	95	325	99	357	78	348	65
70 and older	133	123	124	89	116	99	142	105

Table 6
Maternal mortality, by region

	1990	*1995*	*1996*	*1997*	*1998*
Kazakhstan	199	159	134	137	122
Aqmola	11	5	9	7	7
Aqtobe	12	6	5	8	6
Almaty	21	14	17	10	2
Atyrau	7	9	2	4	3
East Kazakhstan	23	19	19	21	22
Zhamby	16	7	5	4	3
West Kazakhstan	5	5	9	6	6
Qarakhandy	14	14	15	14	9
Qyzylorda	3	2	3	1	4
Qostanay	11	13	8	10	11
Mangistau	3	5	1	1	1
Pavlodar	4	5	4	8	3
North Kazakhstan	15	14	7	9	7
South Kazakhstan	45	29	22	25	35
City of Almaty	9	12	8	9	3

Maternal mortality

12. In absolute terms, maternal mortality is constantly falling, along with the birth rate. The number of women who died from complications related to pregnancy, labour and the post-natal period was 199 in 1990 and 122 in 1998.

Maternal mortality rate

The maternal mortality rates per 100,000 births were 55 in 1990, 57.6 in 1995, 52.9 in 1996, 59 in 1997, and 54.9 in 1998.

Natural population growth

13. The natural population growth decreased 4.3-fold in the 12 years from 1987 to 1998, owing to a decline in the birth rate and an increase in mortality. The natural population growth was 68,066 in 1998, or 4.6 per thousand. The natural population movement exhibits a tendency towards a decline in the population of the northern and eastern regions.

Table 7
Births, deaths and natural population increase

	Number of births			*Number of deaths*			*Natural growth*		
	Total	*Of which:*		*Total*	*Of which:*		*Total*	*Of which*	
		Urban	*Rural*		*Urban*	*Rural*		*Urban*	*Rural*
1980	356 013	179 522	176 491	119 078	65 964	53 114	236 935	113 558	123 377
1985	396 929	203 392	193 537	126 786	71 517	55 269	270 143	131 875	138 268
1990	362 081	178 114	183 967	128 576	75 898	52 678	233 505	102 216	131 289
1991	353 174	169 947	183 227	134 324	79 331	54 993	218 850	90 616	128 214
1992	337 612	159 679	177 933	137 518	81 668	55 850	200 094	78 011	122 083
1993	315 482	143 825	171 657	156 070	93 286	62 784	159 412	50 539	108 873
1994	305 624	138 637	166 987	160 339	97 183	63 156	145 285	41 454	103 831
1995	276 125	125 698	150 427	168 656	103 312	65 344	107 469	22 386	85 083
1996	253 175	119 003	134 172	166 028	102 939	63 089	87 147	16 064	71 083
1997	232 356	112 402	119 954	160 138	99 662	60 476	72 218	12 740	59 478
1998	222 380	112 002	110 378	154 314	96 878	57 436	68 066	15 124	52 942

Fertility

14. There has been a substantial decrease in fertility among both Russian and Kazakh women. According to data from 1987, fertility among Kazakh women essentially ends at the age of 35; 90.9 per cent of births take place when the mother is under 35. Among Russian women, fertility ends by the age of 30 (mothers under 30 account for 84.1 per cent of all births). The overall nationwide birth rate (i.e., the average number of children born during a woman's life) in 1997 was 1.86. The rate was 1.49 in urban areas and 2.5 in rural areas.

Family structure

Information on families is generally taken from census data. The next-to-last census was taken in 1989, and data from the most recent census, in March 1999, have not yet been finalized.

According to the 1989 census, there were 3,824,595 families, or 530,717 more than the estimated number in 1997. Average family size is 4 persons, or 3.6 in urban areas and 4.5 in rural ones. Over 90 per cent of the population lives in families. The number of families with more than one child is falling. Generally, Russian women in urban areas have just two children and those in the countryside have three. Kazakh women in urban areas unusual (90 per cent) have three children and those in rural areas (91.4 per cent) have four.

Marriage and divorce

16. Out of the total of 101,874 men who married in 1997, 86,351 had not been married before, 2,476 were widowed and 13,020 were divorced. Out of the total of 101,874 women who married, 88,466 had not been married before, 2,499 were widowed and 10,861 were divorced. The age at which men and women married was usually between 20 and 24 years. In 1998, there were 96,048 marriages and 35,460 divorces.

The decline in the number of marriages taking place is evident. In 1998 the number of marriages was 6.4 per thousand inhabitants, as against 9.8 in 1990, which means that it declined by 1.7 times over the period in question.

17. Although the number of marriages declined, the number of divorces barely changed. The divorce rate in Kazakhstan remains high. From one divorce per 3.76 marriages in 1990 the rate climbed to one divorce per 2.4 marriages in 1998. The number of marriages per one thousand inhabitants was 6.6 in 1997 and 6.4 in 1998, reflecting an almost constant decline.

Table 8
Marriages and divorces; marriage and divorce rates

			Per thousand inhabitants	
	Number of marriages	*Number of divorces*	*Marriages*	*Divorces*
1980	124 591	38 455	10.6	2.6
1985	158 585	41 263	10.1	2.6
1990	159 449	43 327	10.0	2.7
1991	164 051	48 494	10.1	3.0
1992	165 498	49 692	8.9	3.0
1993	147 045	45 180	8.8	2.7
1994	145 686	41 567	7.5	2.6
1995	115 881	38 651	7.3	2.4
1996	102 558	40 497	6.6	2.6
1997	101 874	35 736	6.6	2.3
1998	96 048	35 460	6.4	2.4

Table 9
Live children born in 1997 to women not registered as married

	Total population	*Urban*	*Rural*
Live births	48 804	26 920	21 884
Percentage of children born out of wedlock	21.0	23.9	18.2

Education

18.

Table 10
Pre-school establishments

	1994			1995			1997		
	Total	Of which		Total	Of which		Total	Of which	
		Urban	Rural		Urban	Rural		Urban	Rural
Total number of establishments	5 551	2 737	3 814	5 058	2 292	2 766	1 533	1 147	386
Number of children (in thousands)	538 365	346 482	191 883	407 191	291 470	115 721	174 230	156 080	18 150

Table 11
State schools providing a general education

	1994/95	1995/96	1996/97	1997/98
Number of State schools providing a general education	8 841	8 801	8 619	8 134
Number of pupils (in thousands)	3 111.9	3 088.5	3 122.5	3 107.6

Table 12
Urban and rural population

	Number of people at the beginning of each year (in thousands)				
	Total population	Of which		Share (%) of total population	
Years		Urban	Rural	Urban	Rural
1970	13 000.1	6 499.1	6 501.0	50.0	50.0
1980	14 824.3	7 968.0	6 856.3	53.7	46.3
1985	15 695.9	8 756.7	6 939.2	55.8	44.2
1990	16 298.0	9 300.8	6 997.2	57.1	42.9
1991	16 358.2	9 366.9	6 991.3	57.3	42.7
1992	16 451.7	9 404.0	7 047.7	57.2	42.8
1993	16 426.5	9 343.2	7 083.3	56.9	43.1
1994	16 334.9	9 162.6	7 172.3	56.1	43.9
1995	15 956.7	8 884.4	7 072.3	55.7	44.3
1996	15 675.8	8 730.3	6 945.5	55.7	44.3
1997	15 480.6	8 635.2	6 845.4	55.8	44.2
1998	15 188.2	8 499.4	6 688.8	56.0	44.0
1999	14 957.8	8 368.8	6 589.0	55.9	44.1

Urban and rural population

19. The urban share of the population in 1999 was 55.9 per cent (8.4 million inhabitants) and the rural share 44.1 per cent (6.6 million inhabitants). Compared with the previous year, the urban population declined by 1.5 per cent and the rural population by 1.4 per cent.

As compared with men, women in Kazakhstan are more likely to migrate between regions and between town and village, abandoning regions becoming ecologically degraded, particularly in rural areas. As at 1 January 1998, the number of women per thousand men was as follows: in Qyzylorda region (ecological disaster zone — 1,045 (town)) and 947 (village)); in Atyrau region — 1,084 (town)) and 987 (village)). In the more highly developed regions the proportions were different: in Qostanay region — 1,147 (town)) and 1,023 (village)); in North Kazakhstan — 1,153 (town)) and 1,015 (village)). The largest number of women per thousand men was to be found in Almaty: 1,197.

Table 13
Number of urban and rural inhabitants by gender (at the beginning of each year)

	People (in thousands)			
Years	*Urban*		*Rural*	
	Men	*Women*	*Men*	*Women*
1996	4 101.5	4 628.8	3 464.3	3 481.2
1997	4 049.8	4 585.4	3 417.1	3 428.3
1998	3 979.2	4 520.2	3 341.5	3 347.3

Migration and refugees

20. The Republic of Kazakhstan has a migration deficit. In 1998, 472,000 people departed from the Republic and 269,000 arrived; the migration deficit was minus 203,000. More women than men participated in migratory movements. As regards international migration, more women than men departed, and more women than men arrived. The total number of refugees in 1998 was 758: 453 men and 305 women.

Table 14
International migration of the population

Year	*Immigrants*	*Emigrants*	*Migration balance (+ or -)*
1990	174 900	305 800	-130 900
1991	206 094	255 015	-48 921
1992	190 045	369 349	-179 304
1993	110 274	333 375	-222 101
1994	70 452	480 939	-410 387
1995	71 137	309 632	-238 495
1996	53 874	229 412	-175 538
1997	38 067	299 455	-261 388
1998	40 624	243 663	-203 039

Table 15
Migration of the population by nationality/ethnic group in 1998

	Number of people who arrived	*Number of people who departed*	*Migration balance (+ or -)*
Republic of Kazakhstan	**269 234**	**472 273**	**-203 039**
of whom:			
Kazakhs	172 447	170 762	1 685
Russians	60 903	186 397	-125 494
Ukrainians	9 642	29 885	-20 243
Byelorussians	1 844	6 699	-4 855
Uzbeks	1 180	1 950	-770
Georgians	109	187	-78
Azerbaijanis	1 183	1 542	-359
Lithuanians	132	302	-170
Moldovans	397	1 042	-645
Latvians	20	75	-55
Kyrgyz	249	241	8
Tajiks	248	172	76

	Number of people who arrived	Number of people who departed	Migration balance (+ or -)
Armenians	307	603	-296
Turkmens	32	53	-21
Estonians	41	131	-90
Tatars	4 127	10 018	-38 460
Jews	91	882	-791
Germans	6 309	44 769	-38 460
Greeks	171	681	-510
Dungans	142	376	-234
Chinese	89	114	-25
Koreans	2 216	2 686	-470
Poles	639	2 294	-1 655
Turks	236	270	-34
Ingushes	293	408	-115

Current situation as regards the reception and settlement of returnees (Oralmans)

21. Many of the immigrants are Oralmans, i.e., Kazakhs who have returned from other States. During the period 1991-1998, 41,000 families returned to Kazakhstan, or more than 176,000 people, of whom 63,500 arrived from Mongolia, 4,800 from Iran, 2,400 from Turkey and 103,000 (58.5 per cent) from CIS countries.

Basic repatriation problems

(a) Citizenship. Only a little over 2,000 of the 63,500 returnees from Mongolia were naturalized in Kazakhstan; the low figure is due to the complicated formalities for relinquishing Mongolian citizenship.

(b) Housing. Currently, 6,298 (15 per cent) of returnee families are without housing, the principal reason being that repatriation measures are systematically underfinanced.

(c) Job placement. Only 46 per cent of the returnees have been placed in jobs, including 37 per cent of the women.

(d) Loans. Only 107 returnees have been able to obtain small loans of US$ 400 from the more than 16,000 granted under the programme to provide small loans to citizens with the lowest income. This is principally due to a lack of collateral.

The legal status of the returnees (Oralmans) and refugees is regulated by the Migration of the Population Act and other enforceable enactments of the Republic. In December 1998, Kazakhstan acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. Returnees and migrants are afforded training and social welfare, including protection of their rights under international instruments.

Political and legal systems

Constitution

22. The current Constitution is the second one in the eight years of Kazakhstan's independence. The previous Constitution had been in force from 28 January 1993 to 30 August 1995. The Soviet Constitution of the Kazakh SSR was in force in Kazakhstan up to 1993.

The current Constitution was adopted by a referendum on 30 August 1995, following nation-wide discussion. On 7 October 1998 amendments were introduced, inter alia extending the terms of office of members of Parliament and the President.

The Constitution guarantees fundamental human rights and freedoms.

The Constitution may be changed and amended by Parliament on the proposal of the President or by a national referendum.

President

23. Kazakhstan maintains a presidential form of government.

The President decides on the basic directions of the domestic and foreign policy of the State, determines when elections to Parliament and referendums are to be held and signs laws, international treaties and instruments of ratification.

The President, with the consent of Parliament, appoints and dismisses the Prime Minister, members of the Government and the Chairman of the National Bank and, with the consent of the Senate, the Procurator-General, the President of the National

Security Committee, all judges (with the exception of judges of the Supreme Court), the Chairman and members of the Supreme Court Council and the *akims* (governors) of regions and of major cities, including the capital. The *akims* of other administrative-territorial units are appointed or elected to their posts in the manner determined by the President. The President has the right, at his own discretion, to dismiss any of the *akims* from their posts.

The President is the Supreme Commander-in-Chief of the Armed Forces of the Republic and presides over meetings of the Government on matters of special importance.

The President takes decisions relating to citizenship of the Republic and the granting of political asylum, grants pardon to citizens, presents State awards, confers honorary, higher military and other titles, civil and diplomatic ranks and professional titles, and exercises any other powers determined by the Constitution of the Republic of Kazakhstan.

The President has the right to veto laws adopted by Parliament and to repeal or suspend all normative acts of the Government and organs of executive authority. He may issue Orders and regulations which are binding in the territory of Kazakhstan and, in cases provided for in the Constitution of 30 August 1995, he may issue laws and orders having the force of law.

Other powers of the President are determined by the Constitutional Act of the Republic of Kazakhstan on the President of the Republic of Kazakhstan of 26 December 1995.

The President is elected on the basis of universal, equal and direct suffrage for a seven-year term, but for not more than two successive terms. The President may be relieved of his post by the Parliament only if he is found guilty of high treason. A final decision on the question is taken by a majority of not less than three quarters of the total number of votes of the deputies to each chamber, provided that the Supreme Court finds the accusation justified and the Constitutional Council finds that the established constitutional procedures have been observed.

The President may be relieved of his office before the end of his term if he is unable to carry out his duties owing to illness.

Parliament

24. The Parliament consists of two chambers: the Senate and the Majilis.

The Senate is composed of deputies, two being elected from each region and major city, including the capital, at a joint session of the deputies of all representative bodies of the respective region and major city, including the capital. Seven deputies to the Senate are appointed by the President.

The Majilis consists of 77 deputies; 67 are elected from the territorial electoral districts and 10 are elected on the basis of party lists for a single national electoral district. Those political parties which receive not less than 7 per cent of the votes of those taking part in the election have access to the distribution of the deputies' mandates on the basis of the party lists. The term of office of deputies to the Senate is six years and the term of office of deputies to the Majilis is five years.

Parliament adopts and amends laws and ratifies and denounces international treaties of the Republic.

The deputies to Parliament and the Government have the right of legislative initiative, which is exercised exclusively in the Majilis.

The Senate elects and dismisses (on the proposal of the President) the President of the Supreme Court, the chairmen of the panels of judges and the judges of the Supreme Court of the Republic, and gives its consent to the appointment by the President of the Procurator-General and the Chairman of the National Security Committee.

Parliament has the right to delegate legislative powers to the President, at his request, for a period of no more than one year.

The President may dissolve Parliament in the event of a vote of no confidence in the Government, repeated refusal by Parliament to give its consent to the appointment of a Prime Minister, or a political crisis resulting from insuperable disagreements between the chambers of Parliament or between Parliament and the other branches of Government.

The organization and activities of Parliament and the legal status of the deputies are determined by the Constitutional Act on the Parliament of the Republic of Kazakhstan and the status of its deputies of 16 October 1995.

Government

25. The Government is formed by the President of the Republic of Kazakhstan and is responsible to the President and accountable to Parliament.

The Prime Minister is appointed by the President, with the consent of Parliament.

Parliament hears the Government's programme and approves or rejects it.

Parliament has the right, on the initiative of not less than one third of the total number of the deputies, to hear the reports of members of the Government.

On the initiative of not less than one fifth of the deputies, Parliament may express a vote of no confidence in the Government by a majority of two thirds of the votes. In that case, the Government must resign. If the President does not accept the resignation of the Government, he has the right to dissolve Parliament.

The Parliament has the right to take a decision on his own initiative to terminate the powers of the Government and to remove any of its members from their posts. Removal of the Prime Minister from his post means the termination of the powers of the entire Government.

The terms of reference, organization and activities of the Government are determined by the Constitutional Act on the Government of the Republic of Kazakhstan of 18 December 1995.

Constitutional Council

26. The Constitutional Council was created by the 1995 Constitution. It reviews the laws adopted by Parliament before the President signs them to ensure that they are in conformity with the Constitution of the Republic; reviews the international treaties of the Republic before their ratification to ensure that they are in conformity with the Constitution; in the event of a dispute, resolves issues relating to the validity of the election of the President of the Republic and of deputies to the Parliament and the validity of a national referendum; and carries out other functions determined by the Constitution.

The Constitutional Council considers these issues only at the request of the President, the Prime Minister, the President of the Senate, the President of the Majilis, or not less than one fifth of the total number of deputies to the Parliament.

Laws or other enforceable enactments that are found to encroach on the human and citizens' rights guaranteed by the Constitution are declared null and void by the Constitutional Council and are not enforced.

The Constitutional Council consists of seven members with a term of office of six years. The President of the Senate and the President of the Majilis appoint two members each and the President of the Republic appoints two members and the President of the Constitutional Council.

Courts and justice

27. There are no jury courts in Kazakhstan. The courts consist of judges, whose independence is protected by the Constitution and by law.

The courts of the Republic of Kazakhstan are the Supreme Court and the local courts.

All judges are appointed by the President, with the exception of the members of the Supreme Court. The Supreme Court is the highest judicial organ of the Republic of Kazakhstan.

The courts are not entitled to apply laws and other enforceable enactments that encroach on the human and citizens' rights and freedoms guaranteed by the Constitution. If a court sees that an applicable law or other enforceable enactment encroaches on the human and citizens' rights and freedoms guaranteed by the Constitution, it is obliged to suspend it and refer it to the Constitutional Council with a request that the law or enactment should be declared unconstitutional.

The President of the Supreme Court, the chairmen of the panels of judges and the judges of the Supreme Court of the Republic of Kazakhstan are elected by the Senate upon nomination by the President of the Republic.

The status, procedure for the formation, and organization of the work of the courts and of the Supreme Court Council are determined by the Order of the President on the courts and status of judges in the Republic of Kazakhstan of 20 December 1995, which has the force of constitutional law.

28. The Office of the Procurator exercises overall supervision to ensure the exact and uniform application

of laws, Presidential orders and other enforceable enactments, represents the interests of the State in the courts and, within the limits established by the law, conducts criminal prosecutions.

The Office of the Procurator of the Republic is a uniform centralized system in which procurators of lower ranks are subordinate to procurators of higher ranks and to the Procurator-General, who is appointed by the President for a five-year term. The Office of the Procurator is accountable only to the President.

The terms of reference, organization and operational procedures of the Office of the Procurator of the Republic are determined by the Order of the President on the Office of the Procurator of the Republic of Kazakhstan of 21 December 1995, which has the force of law.

Local authorities

29. Local State management is exercised by local representative and executive organs, which are responsible for the state of affairs in their respective territories.

The local representative organs (*maslikhats*) are elected by the population on the basis of universal, equal and direct suffrage for a four-year term.

The terms of reference of the *maslikhats* include: the approval of plans, economic and social programmes for the development of the territory, local budgets and budget performance reports; decisions on matters relating to the local administrative-territorial structure; consideration of reports of the heads of local executive organs on matters within the competence of the *maslikhat*; and the exercise of any other powers to guarantee the rights and lawful interests of citizens.

The local executive organs form part of a uniform system of executive organs of the Republic of Kazakhstan, and ensure the carrying out of the general State policy of the executive in their respective areas.

The terms of reference of the local executive organs include: the drawing up of economic and social development programmes and the local budget; the management of communal property; and the exercise of other powers as determined by the Constitution and the legislation of the Republic of Kazakhstan.

The local executive organ is headed by an *akim*, who is appointed directly by the President or appointed or elected as determined by the President.

The authority of the *akims* of regions and major cities, including the capital, are terminated with the inauguration of a newly elected President.

Police. Service for the prevention of violence against women

30. The Republic of Kazakhstan, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, has taken measures to implement and ensure the effectiveness of legislation to eradicate violence against women, paying special attention to the prevention of violence and the prosecution of those guilty of committing it.

With a view to adopting effective measures for the prevention and suppression of all forms of violence against women, on 19 February 1999 subdivisions to combat violence against women were established within the system of internal affairs organs, as part of the administrative police.

Their activities are directed mainly towards protecting the constitutional rights and freedoms and the legal interests of women from unlawful encroachments, providing legal support to the population on questions relating to the prevention and suppression of acts of violence, and analysis and correlation of the data on violence against women.

An analysis of crimes against women involving violence shows that, during six months of 1999, 8,475 crimes were committed against women. These included 267 homicides, 24 cases of driving women to suicide, 153 cases of deliberate serious bodily harm, 2,923 cases of deliberate moderate to slight bodily harm, 1,020 cases of beating and torture, 98 threats, 913 rapes, 45 cases of women being kidnapped and lured into sexual or other forms of exploitation, 1,582 cases of women victims of robbery and 284 cases of women victims of armed robbery.

Ten women were victims of drug- and vice-related crimes. Seven people were brought to justice for inducing women to use narcotic and psychotropic substances and three for using violence to force women into prostitution.

162 people were brought to justice for persistent non-payment of a court-ordered subsistence allowance to a disabled mother, and 19 for non-payment of maintenance to a disabled wife.

The clearest manifestations of violence against women take such forms as homicide caused by alcoholism and drug abuse, rape, systematic beating, torture, forced cohabitation and prostitution.

The most widespread forms of violence against women are domestic violence, which causes physical, psychological, economic and moral harm and suffering to women, and the threat of such treatment.

During the first six months of the current year alone, 2,797 crimes involving violence were committed in family and domestic situations; that accounted for more than 33 per cent of the total number of crimes committed against women. Those crimes of domestic violence included 81 homicides, or 30 per cent of the total number of homicides, 67 per cent of the cases of women being driven to suicide, 44 per cent of the cases of deliberate harm to women, 29 per cent of the cases of deliberately causing moderate or slight bodily harm, 60 per cent of the cases of beating and torture, and 21 per cent of the cases of threats.

Further study of the problem of violence against women, the development of proposals to amend and add to the legislation in force and the improvement of types and methods of work with the victims of violence and those who perpetrate it will make it possible to achieve the goals that have been set.

National Commission for Women and the Family attached to the Office of the President of the Republic of Kazakhstan

31. By an Order of the President of the Republic of Kazakhstan, N. A. Nazarbaev, of 22 December 1998, the National Commission for Women and the Family — an advisory consultative body attached to the Office of the President of the Republic of Kazakhstan (hereinafter referred to as the Commission) — was established to protect the interests of the family and ensure the necessary conditions for the participation of women in the political, social, economic and cultural life of the country. It is composed of 28 members representing scientific and cultural circles, industrial enterprises, small- and medium-sized businesses and office employees. The Commission is headed by A. B. Samakova, a Minister of the Republic of Kazakhstan and a member of the Government.

Similar commissions have been established under the *akims* of the regions and the towns of Astana and Almaty. They are headed by deputy *akims*. This system makes it possible for active work to be done in resolving problems relating to the family and women throughout the country.

The main objectives of the Commission are:

- To formulate priorities and introduce proposals on problems relating to the family, women and children in State programmes developed on the basis of the Strategy "Kazakhstan — 2030";
- To develop a system of complex measures on economic, social, psychological and legal support for families, women and children and assist in their implementation;
- To analyse the situation with regard to maternal and child welfare, the economic and social conditions of the family and the health of the people;
- To create an information base on the status of women in society and on their political, social, economic and cultural level;
- To expand the representation of women in the organs of State government;
- To cooperate with international organizations and participate in conferences, meetings and seminars on questions relating to the situation of the family, women and children held at the international level, and so on.

The Commission has been given wide power and has the right to hear at its meetings the leaders of State organs directly subordinate and accountable to the Head of State and the leaders of central and local executive organs on questions relating to the protection of the rights of the family, women and children.

During the short period since it was established, the Commission has done the following work to improve the status of the family and women:

- It developed a national plan of action for the improvement of the status of women in the Republic of Kazakhstan; after being approved by the Government, the plan of action was submitted to the United Nations as an official document;
- It prepared materials for the ratification of the Convention on the Nationality of a Married Woman, the Convention on the Political Rights of Women and the Protocol on the establishment of

a group for cooperation between women of the Eurasian countries;

- Jointly with the Office for Demographic Institutions and Human Rights (ODIHR), the Organization for Security and Cooperation in Europe (OSCE) and other international organizations, a seminar was held in Almaty to prepare women for the legislative elections. Similar seminars were held in various regions of the country;

- A meeting took place between leaders of the Commission and leaders of the political parties and movements, at which agreement was reached on cooperation to support the participation of women in the political life of the country, as well as to move women into leadership roles and to encourage them to participate in elections;

- Draft legislation is being prepared on equal rights and opportunities and on domestic violence;

- A women's illustrated magazine is published entitled *Woman: East — West*;

- A working group established by order of the Prime Minister of Kazakhstan and headed by the Chairman of the Commission prepared this report.

The Commission reports regularly to the Head of State on the results of its work.

Commission on Human Rights attached to the Office of the President of the Republic of Kazakhstan

32. The President of the Republic of Kazakhstan, by an Order dated 12 February 1994, established the Commission on Human Rights as a consultative advisory body attached to the Office of the Head of State. At present it consists of 17 members representative of various social and economic strata and the national, political, professional and departmental characteristics of our society.

Today Kazakhstan is in the course of undertaking new democratic reforms. The principle of the creation of a humane democratic State, proclaimed in October 1990 in the Declaration on State Sovereignty, requires the reorganization of the economic, political, social and spiritual life of society and the formation of an appropriate legal base.

One of the activities in the field of human rights is the adoption of enforceable enactments aimed at the introduction into the legal system of international standards and principles for the observance of human rights.

The legislation already adopted, including the laws on freedom of religion and religious associations (1993), on the rehabilitation of the victims of political repression, on psychiatric care and guarantees of the rights of citizens under such care (1992) and on population migration (1997), has to a large extent incorporated international human rights standards, and this has marked an important stage in the establishment of a national system for the defence of human rights.

However, the part of the Constitution of the Republic of Kazakhstan relating to human rights and freedoms is still not fully enforced and implemented. Strong and effective measures are required to bring national legislation into line with the international conventions and other legal acts adopted by Kazakhstan.

Owing to the difficulties of economic reform, the standard of living of the population and, consequently, the real level of observance of social and economic rights, is not rising.

The social and political stability achieved during the years of the Republic of Kazakhstan's independence has created conditions for the comprehensive establishment of human rights and freedoms in society and for their observance and implementation.

Economy

Gross domestic product

33. Gross domestic product (GDP) for 1990-1999:

1990 — 47,870.5 million roubles;
1991 — 85,863.1 million roubles;
1992 — 1,217,689.2 million roubles;
1993 — 29,423.1 million roubles;
1994 — 423,468.8 million tenge;
1995 — 1,014,190.0 million tenge;
1996 — 1,415,749.7 million tenge;
1997 — 1,672,142.5 million tenge;
1998 — 1,747.7 billion tenge;
1999 (estimate) — 1,824.1 billion tenge.

Table 16
Per capita GDP in tenge, at constant prices (1993 = 100 per cent)

1993	*1994*	*1995*	*1996*	*1997*
1 789.7	1 592.3	1 477.3	1 495.9	1 542.7

Inflation

34. Inflation over the last five years (at the end of the period, as a per cent of December of the previous year): 1994 — 1,258.3 per cent; 1995 — 160.3 per cent; 1996 — 128.7 per cent; 1997 — 111.2 per cent; 1998 — 101.9 per cent.

External debt

35. As at 1 January 1999, the gross external debt of the Republic was US$ 7,542.9 million, of which direct State debt constituted US$ 3,960.6 million, external debt not guaranteed by the Republic of Kazakhstan US$ 2,308.9 million and indebtedness under direct contracts US$ 1,273.4 million.

Labour resources

36. Before the independence of Kazakhstan, more women than men were gainfully employed. According to the National Statistical Agency, in 1991 the employment rate (total number gainfully employed as a percentage of population of working age) was 84.4 per cent for men and 85.8 per cent for women. After 1991, the number of working women began to decrease and the gap is constantly widening. In 1993: men — 78.4 per cent, women — 74.3 per cent. In 1995: men — 84.2 per cent, women — 80.5 per cent. In 1997: men — 87.3 per cent, women — 78.2 per cent.

It should be noted that official data do not reflect the real employment picture. The number of women involved in the informal sector (street trading, shuttle trade, catering, etc.) is considerably higher than that of men.

Table 17
Labour resources (annual average)

thousands of people

	1994	*1995*	*1996*	*1997*
Labour resources	9 240.5	9 153	9 140.1	8 813.6
Per cent of the population	56.7	57	57.4	56
Number employed	6 581.8	6 551.5	6 518.9	6 472.3
Per cent of labour resources	71.2	71.6	71.3	73.4
Number of women	3 139.5	3 053	3 024.8	2 951.4
Per cent	47.7	46.6	46.4	45.6
Total number unemployed	536.4	808.3	970.6	967.8
Total (actual) unemployment, as per cent of the economically active population	7.5	11	13	13
Number of people registered as unemployed at employment agencies	70.1	139.6	282.4	257.5
Number of women	45.4	83.9	178.4	171.5
Per cent	64.8	60.1	63.2	66.6
Official unemployment level (per cent of economically active population)	1.1	2.1	4.2	3.8

Table 18
Number of men and women working in various branches of the economy

thousands of people

	1994				1995			
	Total	Including			Total	Including		
		Men	Women	Women %		Men	Women	Women %
Total, all branches of economy	5 187.8	2 713.9	2 473.9	47.7	4 847.6	2 587.2	2 260.4	46.6
Including: Industry	1 133.5	639.6	493.9	43.6	1 019.2	589.0	430.2	42.2
Agriculture	1 152.8	789.8	363.0	31.5	1 166.0	821.7	344.3	29.5
Forestry	10.7	8.7	2.0	18.7	9.7	7.9	1.8	18.6
Fisheries	2.3	0.8	1.5	65.2	2.5	1.1	1.4	56.0
Transport	428.8	328.2	100.6	23.5	390.5	284.8	105.7	27.1
Communications	81.4	26.7	54.7	67.2	80.9	28.9	52.0	64.3
Construction	353.5	266.2	87.3	24.7	313.0	233.0	80.0	25.6
Trade	186.5	45.2	141.3	75.8	179.4	54.5	124.9	69.6
Public catering	48.9	5.7	43.2	88.3	19.3	3.3	16.0	82.9
Materials and machinery supplies and sales	48.1	28.1	20.0	41.6	40.1	24.0	16.1	40.1
Procurement	31.8	18.6	13.2	41.5	25.5	15.5	10.0	39.2
Information and computer technology	7.8	1.6	6.2	79.6	5.5	1.2	4.3	78.2
Real estate operations	0.2	0.1	0.1	50.0	0.6	0.2	0.4	66.7
General commercial activities for market operations	0.5	0.2	0.3	60.0	3.0	1.6	1.4	46.7
Geology, prospecting, geodesy and hydro-meteorology	24.5	14.5	10.0	40.8	23.0	14.1	8.9	38.7
Other activities in the materials production sphere	69.1	46.9	22.3	32.1	55.5	37.8	17.7	31.9
Housing and utilities	191.9	118.2	73.7	38.4	172.8	107.2	65.6	38.0
Personal consumer services	30.5	11.2	19.3	63.3	35.0	14.7	20.3	58.0
Healthcare, physical education, social security	418.8	78.3	340.5	81.3	380.4	62.5	317.9	83.6
Education	657.9	159.0	498.9	75.8	640.3	162.3	478.0	74.7
Culture	66.8	19.5	47.3	70.8	55.7	16.5	39.2	70.4
Arts	12.4	5.8	6.6	53.2	7.5	3.6	3.9	52.0
Science, research and extension services	37.4	17.3	20.1	53.7	34.1	15.1	19.0	55.7
Finance, credit, insurance	47.4	10.8	36.6	77.2	45	12.0	33.0	73.3
Staffing of government organs	144.3	72.9	71.4	49.5	143.1	74.7	68.4	47.8

	1996				1997			
	Total	Including			Total	Including		
		Men	Women	Women %		Men	Women	Women %
Total, all branches of economy	4 112.2	2 203.4	1 908.8	46.4	3 395	1 847.4	1 547.6	45.6
Including: Industry	864.3	518.7	345.6	40.0	762.7	478.9	283.8	37.2
Agriculture	932.8	661.6	271.2	29.1	659.4	492.7	166.7	25.3
Forestry	8.6	7	1.6	18.6	9.7	7.9	1.8	18.6
Fisheries	3.9	2.7	1.2	30.8	4.2	3.0	1.2	28.6
Transport	341.4	251.9	89.5	26.2	303.0	223.3	79.7	26.3
Communications	74.4	28.4	46.0	61.8	63.4	24.9	38.5	60.7
Construction	230.1	172.5	57.6	25.0	168.4	128.3	40.1	23.8
Trade	115	37.1	77.9	67.7	84.4	31.4	53.0	62.8
Public catering	20.9	6.4	14.5	69.4	8.9	2.1	6.8	76.4
Materials and machinery supplies and sales	33.2	20.9	12.3	37.0	24.4	16.1	8.3	34.0
Procurement	24.2	14.8	9.4	38.8	22.9	14.4	8.5	37.1
Information and computer technology	4.4	1.0	3.4	77.3	3.7	0.9	2.8	75.7
Real estate operations	0.9	0.3	0.6	66.7	1.1	0.3	0.8	72.7
General commercial activity for market operations	2.8	1.6	1.2	42.9	4.2	2.0	2.2	52.4
Geology, prospecting, geodesy and hydro-meteorology	20.5	12.9	7.6	37.1	16.4	9.9	6.5	39.6
Other activities in the materials production sphere	45	31.2	13.8	30.7	34.9	24.5	10.4	29.8
Housing and utilities	146.3	100.5	45.8	31.3	135.2	91.0	44.2	32.7
Personal consumer services	26.5	10.6	15.9	60.0	20.6	9.0	11.6	56.3
Health care, physical education and social security	354.5	59.7	294.8	83.2	295.0	52.4	242.6	82.2
Education	595.4	143.7	451.7	75.9	514.7	120.4	394.3	76.6
Arts	7.3	3.6	3.7	50.7	6.2	3.2	3.0	48.4
Science, research and extension services	29	13.1	15.9	54.8	25.5	11.7	13.8	54.1
Finance, credit, insurance	39.6	11.2	28.4	71.7	33.5	11.3	22.2	66.3
Staffing of government organs	147.5	78.9	68.6	46.5	160.4	78.0	82.4	51.4

Number of men and women employed in the various branches of the economy, for 1998[3]

(average for the year)

	Total number of employees (thousands)	*Including*		
		Men	*Women*	*Women %*
Total, for all kinds of activities	3 070.6	1 665.2	1 405.0	45.8
Including:				
Agriculture, hunting and forestry	494.4	371.6	122.8	24.8
Fishing and pisciculture	5.2	3.8	1.4	26.9
Industry	756.3	501.3	255.0	33.7
Including:				
Mining	120.0	90.0	30.0	25.0
Manufacturing	491.8	309.1	182.7	37.1
Electricity, gas and water production and supply	144.5	102.2	42.3	29.3
Construction	133.2	106.3	26.9	20.2
Trade: repair of motor vehicles and household goods	79.0	38.8	40.2	50.9
Hotels and restaurants	24.1	5.6	18.5	76.8
Transport and communications	332.5	228.9	103.6	31.2
Financial activity	35.6	12.0	23.6	66.3
Real estate, renting and business activities	135.8	73.0	62.8	46.2
Public administration	177.2	106.2	71.0	40.1
Education	510.4	127.2	383.2	75.1
Health and social work	312.6	56.2	256.4	82.0
Other community, social and personal service activities	74.2	34.8	39.4	53.1

[3] Since 1998, the International Standard Industrial Classification of All Types of Economic Activities has been used for the statistics; prior to 1998, the Classification of Branches of the National Economy (CBNE) was used.

37. In 1997, a new budgetary classification of income and expenditure was approved for the Republic's budget. Table 19 shows State budget expenditure according to this classification.

Table 19
State budget expenditure on education, healthcare and social security, as per cent of total expenditure

	1997	*1998*	*On 1 September 1999*
Total expenditure	100	100	100
Education	23	19.7	19.9
Health	13.1	10.6	9.7
Social insurance and security	8.3	15.2	37.7

Information on the implementation of the provisions of the Convention

Part I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

38. The term "discrimination against women" is not actually defined in the legislation of the Republic of Kazakhstan. However, this term is widely used in juridical practice and is found in the Constitution and other normative acts.

Article 14 of the Constitution of 30 August 1995 states:

1. All persons are equal before the law and the courts.

2. No one may be subjected to discrimination of any form on grounds of origin, social, official and property status, sex, race, nationality, language, attitude to religion, belief, place of residence or any other circumstance.

Article 2

State Parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

39. As pointed out in the explanations on article 1, the principle of equal rights is included in the Constitution of the Republic of Kazakhstan adopted on 30 August 1995.

In the Criminal Code in force prior to 1 January 1998, article 120 stated that preventing women from participating in State, public and cultural activity, or other actions violating the equal rights of women, involving the use of force, threats, economic or other dependence, were punishable by a term of imprisonment of up to three years.

The new Criminal Code, which came into force on 1 January 1998, does not give separate consideration to the violation of women's equal rights. However, a similar crime — violation of the equal rights of citizens (article 141) — encompasses direct or indirect limitations of human rights and freedoms, including on grounds of gender, for which the penalty is detention for up to three months, or imprisonment for one year, or a fine of up to one thousand average monthly indices. The same crime, committed by a person using official status, is punishable by detention for up to six months, or imprisonment for a term up to two years, or a fine of two thousand times the average monthly wage indexes.

40. There is no special legislative act embodying the principle of the equal rights of men and women in the legislation of Kazakhstan.

The National Plan of Action to improve the status of women in the Republic of Kazakhstan, approved by the Government on 19 July 1999, envisages for 2000 the formulation of a draft law "On equal rights and opportunities".

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

41. Gender-based legislative discrimination , is contrary to the Constitution of the Republic of Kazakhstan; accordingly, normative acts containing discriminatory provisions are considered illegal and the organs of the Procurator's Office transmits complaints to the State organ or official that issued them.

For example, in September 1996, the Procurator-General's Office transmitted a complaint to Parliament aimed at the repeal of paragraph 4 of article 17 of the Law "On labour protection" as being contrary to the Constitution of the Republic of Kazakhstan. This article stated that all women starting work who are under 45 years of age are obliged to have an annual medical examination.

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

42. Under Kazakh legislation, juridical protection is provided on an equal footing regardless of sex.

Article 13 of the Constitution of 30 August 1995 recognizes every person's right to legal personality, to judicial defence of his or her rights and freedoms and to qualified legal assistance. In the cases envisaged by law, legal assistance is provided without charge.

Article 14 of the Constitution states:

"All persons are equal before the law and the courts".

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

43. On 29 June 1998, Kazakhstan became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, having assumed the obligation to observe the norms of this Convention, has confirmed its adherence to human rights protection.

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

44. The Law on the special State social security in the Republic of Kazakhstan of 5 April 1999 abolished the social security levy of 1.5 per cent of the payroll, which was formerly part of the State budget. This 1.5 per cent now remains with the tax payers and is

included in taxable income. When social security benefits are paid, the amount paid is deducted from taxable income, in the amount of not more than 1.5 per cent of the payroll.

Research conducted by a non-governmental organization, the "Women's League" has shown that, following adoption of the new law, a considerable number of enterprises found it unprofitable to employ women of child-bearing age.

These enterprises include the following:

Enterprises with a small number of employees are quite unable to pay maternity and child benefits (see commentary on the article 11 (e)), especially as the enterprise is forced to pay a large amount of tax from this sum.

Enterprises with a large number of women employees.

The highest proportion of women employees is found in health care, physical education and social security — 82.2 per cent of the total number of employed. And it is precisely in these branches of the economy that wages are lowest. The average monthly wage is 5,824 tenge (here and later in the text 1997 figures are used).

Next come: education —76.6 per cent (6,320 tenge), public catering — 76.4 per cent (6,237 tenge), information and computer technology — 75.7 per cent (11,237 tenge), finance, credit, insurance — 66.1 per cent (17,004 tenge), culture — 69.6 per cent (5,571 tenge), communications — 60.7 per cent per cent (10,209 tenge), trade — 62.8 per cent (6,223 tenge), personal consumer services — 56.5 per cent (4,711 tenge).

In some industries where women form an absolute majority of the staff employed, wages are even lower (1997 figures): light industry — 5,405 tenge, clothing industry — 4,232 tenge, tanning, fur and footwear industry — 4,671 tenge, medical industry — 2,867 tenge.

The number of women (out of the total number of employees) who are on maternity and child care leave in these branches is considerably higher than the average (4 per cent): health care — 8.4 per cent, education — 5.9 per cent, public catering — 8.2 per cent, information and computer technology — 8.4 per cent, finance, credit and insurance — 5.2 per cent, trade — 7.1 per cent, etc.

The above figures show that in these branches the amount of benefits paid considerably exceeds the non-taxable annual social security fund.

Enterprises employing fewer women are more profitable. These include: industry — 37.2 per cent (average monthly wage of 12,135 tenge), transport — 26.3 per cent (10,974 tenge), construction — 23.8 per cent (11,319 tenge), housing and utilities — 38 per cent (8,184 tenge) geology, geodesy, hydro-meteorology — 38.7 per cent (14,269 tenge), other kinds of material production — 29.8 per cent (7,731 tenge).

In these enterprises, the amount of compulsory social benefits paid is lower than the amount collected before 5 April 1999 from the budget for these purposes, so that the profits of enterprises employing fewer women are increasing.

(f) To take all appropriate measures, including legislative, to change or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

45. A number of measures are mentioned in connection with other articles of the Convention. A list is given below of the basic legislative and other normative legal acts in the interests of women adopted after Kazakhstan's accession to independence in 1991.

Law on special protection of the victims of the ecological disaster in the Aral Sea zone of 30 June 1992.

See commentary on article 4.2 of the Convention.

Law on social protection of the victims of nuclear testing at the Semipalatinsk test site of 18 December 1992.

Law on labour protection of 22 January 1993.

Order of the President of the Republic of Kazakhstan on measures of social support for large families of 4 December 1992.

See commentary on article 4.2 of the Convention.

Government resolution on new standards for maximum allowable weights to be manually lifted and moved by women of 20 January 1994 (with amendments and additions of 20 August 1996).

Presidential regulations on State awards in the Republic of Kazakhstan of 12 December 1995.

Government Directive on guidelines for the improvement of labour conditions and labour protection in the branches of the economy of the Republic of Kazakhstan for 1997-2000 of 21 January 1997.

Presidential Order on the concept of State policy for the improvement of the status of women in the Republic of Kazakhstan of 5 March 1997.

Regulation on assistance to families and children, approved by Directive of the Government of the Republic of Kazakhstan of 21 March 1997. Under the regulation, the following benefits were paid to families with children:

Single benefit for families with children;

Benefit for unemployed mothers with four or more children under seven years of age;

Benefit for children of military personnel serving for a fixed period;

Benefit for HIV-infected children and children with AIDS;

Benefit for children disabled since childhood.

See commentary on article 4.2 of the Convention.

Law on health care for citizens in the Republic of Kazakhstan of 19 May 1997.

In accordance with the law, maternity is protected through a broad network of specialized medical organizations, childbirth benefits, rational job placement for pregnant women allowing them to follow doctor's orders, granting working women maternity leave and childcare benefits.

Decree of the President of the Republic of Kazakhstan on the State programme "Health of the people" of 16 November 1998.

Law on marriage and the family, which entered into force on 17 December 1998 to replace the former Code "On marriage and the family" of 1969.

Article 2 of the Law establishes the principle of the voluntary nature of the conjugal union of man and woman, equality of the spouses in the family, solution of family issues by mutual agreement, prohibition of any form of limitation of civil rights at the time of marriage and in family relations on social, racial, national, linguistic or religious grounds.

The Law also contains a provision on the medico-genetic examination of persons entering into marriage. The examination is designed to ascertain the genetic compatibility of the persons, and their health, in order to avoid undesirable social and legal consequences in the future, in particular a breakdown of the family or birth of defective progeny. The medical examination is carried out only with the consent of both parties.

The Law on marriage and the family provides that spouses are obliged to support each other financially. The Law also provides that the wife shall have the right to receive maintenance from her husband, not only during the marriage but also after its dissolution, both during the wife's pregnancy and for three years after the birth of a child.

For more details, see the commentaries on article 16 of the Convention.

Law on employment of 30 December 1998.

(g) To repeal all national penal provisions which constitute discrimination against women.

46. In the Criminal Code of the Republic of Kazakhstan, there is affirmative discrimination towards women as regards the serving of sentences by them. According to the new Criminal Code (article 72), the serving of sentences may be deferred for pregnant women and women with children under eight years of age, except for those who committed serious crimes against persons, both at the time of sentencing and while a sentence is being served. Under the previous legislation, a similar provision concerned women serving terms of imprisonment but the new legislation makes this provision applicable to women sentenced to any form of punishment.

In accordance with the new Criminal Code, women may not be sentenced to capital punishment or life imprisonment.

47. A number of articles in the former Criminal Code specially protecting the rights of women were abolished by the new Criminal Code (see commentary on articles 2 (a)) and 16 (a)), (b)) and (e)) of the Convention).

At the same time, new articles appeared — for crimes related to the sexual exploitation of women (see commentary on article 6 of the Convention).

48. The New Criminal Procedure Code, which came into effect on 1 January 1998, in articles 32, 33 and 45 refers the majority of cases of rapes, forced acts of a sexual nature, forced sexual intercourse, sodomy and lesbianism (respectively, articles 120, part 1, 121, part 1 and 123 of the Criminal Code) for private prosecution, in which the proceedings are instituted and terminated by the victims.

This abolished the previous arrangement under which the organs of internal affairs were obliged to accept for consideration all applications relating to sex crimes. The New Criminal and Criminal Procedure Codes give victims more rights and opportunities to independently collect evidence, bring the criminal before the court, as well as to reach an out-of-court settlement with the criminal.

The national action plan to improve the status of women in the Republic of Kazakhstan, approved by the Government on 19 July 1999, envisages amendment of the Criminal and Criminal Procedure Codes in 2000, in order to make persons who commit criminally punishable actions against women more accountable.

This plan provides for the formulation in 2001 of a draft law on domestic violence.

Table 20
Crime rates (cases per 10,000 inhabitants)

	1990	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*
Premeditated homicide and attempted homicide	1.04	1.05	1.25	1.6	1.6	1.5	1.6	1.6
Brigandage	0.8	0.9	1.4	1.4	1.3	1.3	1.6	1.8
Rape and attempted [illegible]	1.1	1.0	1.0	1.4	1.1	1.1	1.3	1.1
Robbery	5.1	6.0	8.0	8.4	7.3	5.9	5.6	5.7
Theft	41.4	53.4	66.9	62.6	61.5	51.0	44.4	36.2
Fraud	0.8	1.0	1.4	1.8	1.7	1.6	1.5	1.3
Drug-related crime	2.3	2.8	3.2	4.6	5.9	8.2	10.6	9.5
Bribery	0.1	0.1	0.2	0.2	0.3	0.3	0.4	0.3
Total	90.2	105.2	121.1	124.5	123.3	114.0	114.6	103.7

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

49. The Constitution of the Republic of Kazakhstan guarantees equality before the law and prohibits discrimination on the basis of sex.

In addition, article 1 of the Constitution proclaims the highest values of the State: the individual person, his life, rights and freedoms; and article 12 of the Constitution guarantees human rights and freedoms, if their implementation does not violate the rights and freedoms of other persons and does not infringe the constitutional system or public morals.

Ministries and departments are currently considering Kazakhstan's possible accession to such international treaties as the 1976 International Covenant on Civil and Political Rights and the 1976 International Covenant on Economic, Social and

Cultural Rights, which provide for equal rights for men and women in the areas in question.

Information and education programmes in the field of human rights

50. In Kazakhstan's schools and higher education establishments, the State education standards provide for mandatory enrolment in the course "The Basis of the Law", which furnishes information on protecting the rights of women in all areas of social life.

Some State institutions have special programmes on human rights. In particular, the Migration and Demography Agency has developed a plan for education and training measures related to the observance of human rights, taking into account the gender factor for employees dealing with migration and refugee problems, and conducts seminars on an ongoing basis.

Most of the other State structures have not yet considered the need to introduce educational and training programmes that take the gender factor into consideration.

Disabled women

51. The rights of disabled persons are guaranteed under the Law of the Republic of Kazakhstan of 21 June 1991 on social protection of the disabled in the Republic of Kazakhstan, which ensures the creation of social, economic, legal and organizational conditions for providing equal opportunities for the disabled. The legislation also sets forth specific norms governing the rights and benefits of disabled soldiers from the Second World War and the war in Afghanistan, persons disabled as a result of the measures to eliminate the consequences of the Chernobyl nuclear power-station accident and of the ecological crises in the Aral and Semipalatinsk regions, as well as congenitally disabled persons.

Some organizations for the disabled, including the non-governmental organization for disabled mothers, Bibi-Ana, enjoy tax exemptions.

In other respects, Kazakhstan's legislation considers the problems of the disabled, including women, on a general basis. There are no mandatory standards relating to disabled persons in the areas of construction, health care, education, information and so forth.

However, non-governmental organizations of disabled persons, including women, maintain a rather high level of activity.

Lesbians

52. Prior to 1 January 1998, the concept "lesbianism" was not included in Kazakhstan's legislation. The new Criminal Code, in effect since 1 January 1998, having abolished the penalty for sodomy (imprisonment for up to 3 years), at the same time introduced a new article 121 on forced acts of a sexual nature, which establishes the punishment for sodomy, lesbianism and other sexual acts involving the use of force or the threat of its use as imprisonment for 3 to 6 years.

At the same time, two new articles on sexual intercourse and other sexual acts with persons under 16 years of age (article 122) and on coercion for the purpose of sexual intercourse, sodomy, lesbianism or other sexual acts (article 123), which also established, on an equal basis, the punishment for coercion for the purpose of sodomy and lesbianism, were introduced.

Equality of rights in the field of science and culture

Article 20 of the Constitution of 30 August 1995 guarantees freedom of speech and creativity.

Taking into account the higher level of education among women than among men in Kazakhstan, it can be stated with confidence that the basic opportunities for all-round cultural development are greater for women than for men. This is reflected in the fields of employment that are directly or indirectly connected with culture, where women represent the overwhelming majority.

Percentage of women among the overall number of workers and employees

Sphere of activity	*1993*	*1994*	*1995*	*1996*	*1997*
Education	70.5	75.8	74.7	75.9	76.6
Culture and art	63.1	68.1	68.2	67.5	66.3
Science and research	44.6	53.8	55.5	54.7	54.2

Nevertheless, the opportunities for women to implement their rights with regard to culture are steadily declining. There are two reasons for this.

The first is the general economic recession, which also affects the field of culture.

Accordingly, the number of cinemas decreased from 8,313 in 1991 to 1,129 in 1997 and public libraries from 9,541 in 1991 to 3,260 in 1997, the number of theatregoers from 4 million in 1991 to 1.4 million in 1997 and museum visitors from 3.7 million in 1991 to 1.7 million in 1997, and the number of titles of children's books published from 112 in 1991 to 16 in 1997.

The second reason is the continuing exclusion of women from the fields of science and agriculture, particularly at the most prestigious levels.

Women in the field of culture, as in other areas of employment, as a rule, are not allowed above a certain level.

The presidents of all the unions of creative artists are men.

State prizes are awarded primarily to men.

Thus, only one woman (from among 12 prize recipients) received a State prize in the area of culture in 1996, and one woman (out of 5 recipients) in 1998.

Only two women (from among eight prize recipients) were awarded the State "Daryn" youth prize in 1996, and two women (out of 15 recipients) in 1998.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

53. In Kazakhstan there are no special measures aimed at accelerating de facto equality between men and women. It is considered that the constitutional guarantees ensuring equal rights fully suffice. The commentary to article 7 of the Convention is more detailed in this regard.

Nevertheless, the representation of women at all levels of power is extremely low.

Given the clear predominance of women specialists with higher and secondary-level education, their presence among the managers of organizations is insignificant and represents approximately 7 per cent.

54. There is no single State policy for achieving equal representation in appointed and elected posts; each State body deals with this matter autonomously.

Of the seven deputies to the Senate of the first convocation of Parliament (1995-1999) whom he appoints in accordance with the Constitution, the President of the Republic appointed four women. A further four women were elected to the Senate and nine to the Majilis (lower chamber) of the Parliament, which represents 14.9 per cent. Of them, eight are in the Senate (18.18 per cent) and nine in the Majilis (13.43 per cent).

Announcements published by the State Service Agency about competitive examinations for filling State posts contain no limitations relating to gender.

In May and June 1999, the Agency held the first four competitive examinations for eligibility for State posts in State bodies of the Republic of Kazakhstan. Of those who passed the tests and became eligible, 56 per cent were women. Of the 52 candidates placed in the personnel reserve of State employees for central executive bodies, 35 were women, representing 67.3 per cent.

However, in many cases the reverse is true, particularly in announcements by private companies, which often indicate the gender required (usually male) for the vacancy in question.

55. Under the Labour Law Code of the Kazakh Soviet Socialist Republic of 21 July 1972, an administration is obliged (article 48) to establish, at the request of a pregnant women, a woman with a child under the age of 14 or a woman providing care to a sick family member, a part-time work day or part-time work week for her.

Article 53 imposes limits on overtime work. Pregnant women and women with children under the age of two may not be assigned to overtime work. Women with children from 3 to 14 years of age or

disabled children up to 16 (article 157) may be assigned to overtime work or sent on business trips only with their consent.

Leave, upon the request of an employee prior to completion of 11 months uninterrupted service (article 69), is granted to women before leave for pregnancy and childbirth or afterwards.

Kazakhstan's legislation establishes various types of allowances for families with children.

Childbirth allowances

56. The resolution of the Supreme Soviet of the Kazakh SSR of 29 November 1990 on social protection for indigent citizens during the transition to a market economy established a one-time childbirth allowance, replacing the previous one-time childbirth allowances differentiated according to the order of birth: as from 1 December 1990, the amount was three times the minimum wage.

The law of 31 December 1996 on the national budget for 1997 reduced the size of the one-time childbirth allowance from four times the minimum wage to a significantly smaller amount equivalent to four times the monthly accounting index.

From 1 January to 17 April 1999, the one-time childbirth allowance was paid to working women from the national budget.

The grants were paid by State institutions from savings in the salary fund and by other employers from their own resources.

The Ministry of Finance of the Republic of Kazakhstan approved, in document No. 242 of 25 May 1999, the rules for reimbursing employers' expenditures for the payment of mandatory social security allowances to working citizens. Funds are set aside for the aforementioned payments in the expenditures of the national budget.

Since 18 April 1999, social assistance has been provided to women upon the birth of a child through funds from local budgets in the manner determined by the local executive bodies.

Allowances for indigent families with under-age children

57. The law of the Republic of Kazakhstan on the State budget for 1993 established, as from 1 January 1993, monthly allowances to be paid from the national budget to families with children: for children under 3 years — 1,790 roubles, and for those from 3 to 18 years — 1,330 roubles.

During the first quarter of 1993, payments were made in accordance with a procedure established under the resolution of the Cabinet of Ministers of 16 November 1992, on the condition that the average monthly aggregate income per family member for the previous quarter did not exceed the equivalent of four times the minimum wage.

Under the resolution of the Cabinet of Ministers of 5 February 1993, allowances were paid if the aggregate income per family member did not exceed the amount equivalent to twice the minimum wage.

The law of 14 June 1994 on the detailed national budget for 1994 established monthly allowances for families with children under six years at 75 per cent of the minimum wage, and from 6 to 18 years at 80 per cent of the minimum wage.

Furthermore, in view of the economic situation at the time, allowances were instituted for children which partially compensated for price increases: for children under six years, from 1 July 1994 — 100 per cent of the minimum wage, and from 1 October 1994 — 130 per cent; for children from 6 to 18 years, from 1 July 1994 — 105 per cent of the minimum wage, and from 1 October 1994 — 135 per cent.

Under the law of 31 December 1996 on the national budget for 1997, an accounting index is applied in order to calculate pensions, allowances and other social payments and also to impose fines, taxes and other payments in accordance with current legislation. In 1996, the amount of the single grant for children under three was 125 per cent of the monthly accounting index, and for children between 3 and 18, 130 per cent.

According to the Government decision of 21 March 1997 on confirmation of the regulations for providing social assistance to families with children, families whose average monthly mean per capita income is not larger than twice the accounting index used for calculating pensions, allowances and other social payments are entitled to receive single grants.

Under the law of 16 December 1998 on the national budget for 1999, social assistance to families with children is provided through funds from local

budgets in the manner and the amount established by law. In accordance with the Government decision of 22 July 1999 on the adoption of provisional rules for providing direct social assistance, the heads of the regions and the mayors of Astana and Almaty were granted the right to determine the amounts to be provided for social assistance.

Allowances for large families

The decision of 29 November 1990 by the Supreme Soviet of the Kazakh SSR on social protection for indigent citizens during the transition to a market economy, together with previously existing monthly allowances provided to large families for the fourth and subsequent children up to the age of five established a monthly allowance for children between the ages of one and a half and six years in the amount of 50 per cent of the minimum wage for each child being supported by a family if the average aggregate income per family member does not exceed the amount of twice the minimum wage in effect since 1 December 1990.

The order of the President of the Republic of Kazakhstan of 4 December 1992 on measures for providing social support to large families established, as from 1 January 1993, the following privileges and benefits for families with four or more children under 18:

The manufacture and repair of dentures, free of charge, for mothers of large families (except dentures made of precious metals);

Free medicine obtained on a doctor's prescription for children under 14;

Free use of urban transport (except taxis) and suburban and intra-regional buses for mothers and school children;

Priority placement of children in pre-school medical institutions and sanatoriums and other health-care institutions, regardless of the branch of administration to which they belong.

The same decree established a monthly allowance in the amount of the minimum wage, regardless of the family's income, for non-working mothers with four or more children below the age of seven.

The law of 14 July 1994, on the detailed national budget for 1994, replaced this allowance with a monthly cash compensation payment to mothers of large families in the amount of 1.3 to 2.0 times the minimum wage, depending on the number of children.

The presidential order of 15 March 1995 on the national budget for 1995 restored the monthly allowance for non-working mothers with four or more children below age seven in the amount of the minimum wage, regardless of family income, and also restored the privileges in kind that had been suspended in 1994 (free manufacture and repair of dentures, free medicine on a doctor's prescription for children under 14, and free urban transport).

The law of 31 December 1996 on the national budget for 1997 established allowances for non-working mothers of large families with four or more children below age seven in the amount of one monthly accounting index.

The presidential order of 23 January 1996 on measures to regulate State social guarantees established a special State allowance to cover housing expenses and communal services for large families with four or more under-aged children living together.

The law of 16 December 1998 on the national budget for 1999 provides allowances in the form of social assistance to families with children. Under the Government decision of 22 July 1999, the *akims* of the regions and of Astana and Almaty have the right to determine the amount of social assistance.

Table 21
Live births according to mother's age and order of birth

	Mother's age									
	15-19	*20-24*	*25-29*	*30-34*	*35-39*	*40-44*	*45-49*	*50-54*	*55 and older*	*Age not indicated*
1996										
Total number of live births	31 972	97 997	64 704	37 887	16 834	3 046	230	20	13	430
First	29 281	55 946	16 395	5 572	2 117	336	14	0	0	262
Second	2 668	34 242	25 549	9 553	2 688	348	23	4	1	33
Third	19	6 843	15 267	10 717	3 785	449	26	1	2	28
Fourth	1	808	5 735	6 939	3 308	481	33	2	3	4
Fifth	0	89	1 339	3 329	2 331	455	26	4	2	5
Sixth	0	10	272	1 190	1 357	344	30	1	1	2
Seventh	0	0	49	389	713	253	29	2	0	1
Eighth	0	1	11	112	33	147	15	3	1	1
Ninth	0	0	3	22	102	111	12	1	2	3
Tenth and more	0	11	9	14	67	108	22	2	1	2
Unknown	3	47	75	50	33	14	0	0	0	89
1997										
Total number of live births	27 791	89 219	61 494	34 093	15 956	3 070	215	20	8	490
First	25 162	51 778	16 871	5 205	2 103	373	18	0	1	279
Second	2 595	30 308	24 139	8 861	2 753	361	15	2	0	50
Third	34	6 254	14 004	9 664	3 695	490	30	0	0	26
Fourth	0	717	5 005	6 138	3 137	520	29	2	2	7
Fifth	0	86	1 145	2 746	2 089	439	33	2	1	4
Sixth	0	6	184	971	1 167	356	22	5	1	2
Seventh	0	1	35	310	579	221	21	3	2	0
Eighth	0	1	4	84	244	168	19	1	0	0
Ninth	0	0	3	19	87	74	11	1	0	3
Tenth	0	11	13	14	62	58	9	2	0	2
Unknown	0	57	91	81	40	10	8	2	1	117

Additional benefits for mothers with four or more children

The law of 7 April 1999 on amending and supplementing certain legislative acts of the Republic of Kazakhstan on providing benefits to specific categories of citizens replaced these benefits with a special State allowance in the amount of 1.9 times the monthly accounting index.

The presidential order of 12 December 1995 on State awards of the Republic of Kazakhstan established the following State awards for mothers of large families:

"Altyn Alka" (Golden Pendant) — for women who have given birth to and brought up 10 or more children;

"Kumis Alka" (Silver Pendant) — for women who have given birth to and brought up eight to nine children.

Women awarded the Golden Pendant were given the right to priority in housing, payment of 50 per cent of the cost of housing and communal services, with account taken of the living space occupied by them and their family members, free use of urban and suburban transport (except taxis) and other benefits. The same benefits were also granted to women who had previously received the title "Heroine Mother".

Special population categories

58. Pursuant to the Law of 30 June 1992 on the social protection of victims of the ecological disaster in the Aral Sea region, women living in the disaster area (article 14) were entitled to:

Spend their pre-delivery maternity leave in specialized establishments outside the disaster area;

Receive a lump-sum benefit on the birth of a child, equivalent to four times the minimum wage;

Receive compensation equivalent to 50 per cent of the cost of food purchased for children registered with a health centre;

Receive yearly medical care for their children, free of charge, at specialized children's institutions;

Travel with a sick child free of charge for purposes of medical treatment (in cases where the mother was unable to travel with the child, this provision extended to another accompanying person).

The above-mentioned benefits were abolished by the Law of the Republic of Kazakhstan of 7 April 1999.

59. Victims of the ecological disaster are entitled to:

A 30-per-cent discount on the cost of medicines and of the manufacture and repair of dentures (except those made of precious metals);

A 50-per-cent discount on the cost of housing and public utilities;

Interest-free loans for the construction of housing, with 50-per-cent repayment;

Twelve calendar days' additional paid leave each year;

Annual financial assistance for medical care equivalent to the monthly premium or by means of an official payment over and above the applicable payments.

The above-mentioned provisions have been suspended until 1 January 2000.

Victims of radiation and environmental effects

60. Under the Act of 18 December 1992 on social protection for victims of the effects of nuclear testing at the Semipalatinsk nuclear test site, persons living in certain areas with radiation risk receive cash compensation, an additional stipend and additional paid leave.

Women living in the area who have been exposed to the effects of nuclear testing are entitled by law to maternity leave of 170 calendar days for normal births and 184 days for births with complications or for the birth of more than one child.

Children and young people under the age of 18 living in the areas affected by nuclear testing are entitled to free medical care (upon medical certification) in health-care institutions. Leave for the purpose of caring for a sick child is paid at 100 per cent to one of the parents and to persons who take their place, regardless of length of service, for the duration of the illness.

Under the Act of 7 April 1999 on changes and additions to some legislative acts of the Republic of Kazakhstan concerning benefits granted to certain categories of citizens, pensioners are given first priority for lump-sum cash compensation, while the

cash benefit for the medical care of disabled persons has been abolished. The amount of the benefit payable for sick leave in connection with the care of a sick child is limited to the equivalent of 10 times the monthly accounting index.

Pensioners and disabled persons

61. Under the Law of the Republic of Kazakhstan on social protection for victims of the ecological disaster in the Aral Sea region, pensioners and disabled persons receive:

The use, free of charge, of all forms of urban passenger transport (except taxis) and of automobile transportation facilities for public use in rural areas within the administrative region in which they reside;

Free medicines (prescribed by a physician) and free manufacture and repair of dentures;

Priority for an annual free stay at a health resort;

Priority for obtaining places in homes for the elderly and disabled;

Lump-sum compensation for persons who have become disabled and families which have lost their breadwinner;

Annual allowance for medical care.

The entitlements under the Act of 7 April 1999 have been suspended until 1 January 2000.

62. They also receive, on the same basis as the rest of the resident population over the age of 15 in the area of the environmental crisis:

Medicines and dentures at a 20-per-cent discount;

A 25-per-cent discount on the cost of public utilities;

Nine calendar days' additional paid leave each year;

Interest-free loans for the construction of housing, with 50-per-cent liquidation.

Under the Law of the Republic of Kazakhstan of 7 April 1999, these benefits have been suspended until 1 December 2000.

Entitlement to a pension calculated at a ration of 1.3.

63. They also receive, on the same basis as the rest of the resident population over the age of 18 in the area where pre-crisis conditions prevail:

Seven calendar days' additional paid leave each year.

This entitlement was suspended under the Law of the Republic of Kazakhstan of 7 April 1999.

64. Under the Act of 20 June 1997 on the provision of pensions to citizens of the Republic of Kazakhstan, since 1 January 1998, disability pensions have been paid out of the State budget in the form of a government disability benefit.

Under the Law of the Republic of Kazakhstan of 7 April 1999 on changes and additions to some legislative acts of the Republic of Kazakhstan concerning benefits granted to certain categories of citizens, social assistance for the disabled is provided in the form of grants, provision of prosthetic and orthopaedic devices and footwear, publications with special print and compensatory technical facilities. Disabled persons in groups I and II receive a special State benefit to cover the costs of public utilities, fuel and housing.

The Law of the Republic of Kazakhstan of 5 April 1999 on the special State benefit in the Republic of Kazakhstan established the following rates for the special State benefit:

Disabled persons in groups I and II: 1.4 times the monthly accounting index;

Disabled persons in group III: 0.6 times the monthly accounting index.

Benefits for single mothers

65. The decision of 29 November 1990 of the Supreme Soviet of the Kazakh Soviet Socialist Republic concerning social protection for needy citizens during the transition to a market economy increased the monthly State benefits for single mothers (or fathers) payable for each child up to the age of 16, in the case of divorced men and women who received either no child support or support in the amount of 20 roubles or less per month, to 50 per cent of the minimum wage.

The Act of 14 July 1994 on the amended budget of the Republic of 1994 established monthly State benefits for single mothers at the rate of 50 per cent of

the minimum wage for children up to the age of six, and 60 per cent for children between the ages of six and 18.

In addition, in view of the current economic situation, single mothers were temporarily granted State benefits for children as a means of partially offsetting the growth in prices. For children up to the age of six, the benefit amounted to 75 per cent of the minimum wage as from 1 July 1994 and 105 per cent as from 1 October 1994; for children between the ages of six and 18, the rates were 85 per cent as from 1 July 1994 and 115 per cent as from 1 October 1994.

The single parent benefit was abolished with effect from 1 January 1997. Single mothers received the same benefits as families with children.

In 1997, there was a sharp increase in the number of children born out of wedlock.

Table 22
Percentage of children born out of wedlock

1980	10.3
1985	10.1
1990	13.2
1991	13.4
1992	13.4
1993	13.4
1994	14.5
1995	15.7
1996	17.6
1997	21
1998	22

With effect from 1 January 1999, budgetary legislation established benefits for families with children in the form of social assistance based on family income.

Multiple births

66. Under the Presidential Order of 23 January 1996 on measures to regulate State social guarantees, as from 1 January 1996, families to whom two or more children were born at the same time and whose income was less than the official living wage were required to pay only half of their housing and utility expenses.

With effect from 1 January 1999, budgetary legislation abolished these benefits.

Benefits for disabled children

67. The Act of 31 December 1996 on the budget of the Republic for 1997 established the following benefit rates for disabled children being raised and educated at home for 1997: 3,875 tenge in the first quarter, 4,070 in the second quarter, 4,230 in the third quarter and 4,445 in the fourth quarter.

For 1998, the benefit rates for disabled children being raised and educated at home were 4,520, 4,590, 4,660 and 4,730 tenge in the first, second, third and fourth quarters, respectively.

In accordance with the Law of the Republic of Kazakhstan on social protection of disabled persons in the Republic of Kazakhstan, as from 1 January 1999, disabled children being raised and educated at home receive financial assistance equivalent to the cost of specialized boarding schools for disabled children.

68. Under the Presidential Order of 23 January 1996 on measures to regulate State social guarantees, as from 1 January 1996, families with disabled children whose income is less than the official living wage are required to pay only half of their housing and utility expenses.

As from April 1999, the benefit under the Law of the Republic of Kazakhstan on special State benefits in the Republic of Kazakhstan for disabled children up to the age of 16 has been replaced by the payment of a special State benefit at the rate of 0.9 times the monthly accounting index.

Monthly benefits for children infected with HIV or suffering from AIDS

69. The Act of 14 July 1994 on the amended budget of the Republic for 1994 established monthly benefits for children infected with HIV or suffering from AIDS, at the rate of 80 per cent of the minimum wage.

In addition, in view of the current economic situation, budgetary legislation established benefits as a means of partially offsetting the rise in the price of bread and flour. The benefit rates were 105 per cent of the minimum wage as from 1 July 1994 and 135 per cent as from 1 October 1994.

The Act of 31 December 1996 on the budget of the Republic for 1997 established the benefit rate for children infected with HIV or suffering from AIDS at 130 per cent of the monthly accounting index.

As from 1 January 1999, these benefits are paid at the rate of 80 per cent of the monthly accounting index (Law on the prevention of AIDS).

Benefits for minor children whose parents have not paid child support while their parents are being located. Such benefits are paid from local budgets in accordance with the conditions and rates applicable to State benefits for the children of single mothers.

70. The Presidential Order of 20 July 1995 established the rates for these benefits as follows: 105 per cent of the minimum wage for children up to the age of six and 115 per cent for children between the ages of six and 18.

These benefits were abolished as from 1 January 1997.

Benefits for children of non-career military servicemen

71. Non-career military servicemen are paid a monthly benefit for each child, regardless of family income.

As from 1 January 1999, these benefits are paid, under the Budget Act, in the form of social assistance.

Pensions for mothers of large families and some other categories of women

72.

Table 23
Data on social assistance to women

	1996	*1997*	*1998*	*First quarter 1999*
1. Payments to female pensioners				
Total number of women receiving pensions	1 721 094	1 706 685	1 307 817	Not available
Number living in rural areas	723 958	672 250	566 552	600 408
Amount paid to women receiving pensions (millions of tenge)	62 651	66 083	56 687	Not available
Amount paid to women in rural areas (millions of tenge)	24 938	24 610	22 286	6 097
2. Payment of State social benefits to women				
Number of persons receiving benefits	X	X	372 192	355 492
Number living in rural areas	X	X	162 835	160 285
Amount of benefits (millions of tenge)	X	X	14 024	3 416
Amount paid to persons in rural areas (millions of tenge)	X	X	5 836	1 524
Average amount of benefits (tenge)	X	X	3 187	3 190
Average amount paid to persons in rural areas (tenge)	X	X	3 134	3 147
3. Benefits paid from local budgets*				
Number of persons receiving benefits	1 655 242	1 235 763	926 120	398 713
Amount of benefits (millions of tenge)	7 100	9 227.4	8 290	1 120

* Including benefits paid to families with children, to unemployed mothers of large families with four or more children under the age of seven, to single mothers, to families with disabled children, to children suffering from AIDS and to children of non-career military servicemen.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

73. The national plan of action for improving the status of women in the Republic of Kazakhstan — approved by Parliament on 19 July 1999 — envisages the drafting in 2000 of a draft law on advertising, which would prohibit the sexual exploitation of women and the violation of women's civil rights.

However, the objective laid out in article 16 (a) currently appears unrealistic. The State has lost its ideological influence over the media, culture and — to a certain extent — education. In Kazakhstan, no international programmes for eliminating gender stereotypes in school textbooks, children's publications and the media are being implemented.

Even the titles of State newspapers for children — targeted at all children — contain sexist language: "druzhnye rebyata" (pals), "ulan" (male youth).

Women's organizations consider the use of the terms "grazhdanin" (male citizen) and "grazhdane" (male citizens) in legislation — including the Constitution — to be highly sexist and lacking in gender awareness. For example, article 30 of the Constitution reads:

> 1. *(Male) citizens* (grazhdane) are guaranteed free secondary education in State education establishments. Secondary education is compulsory.
>
> 2. *A (male) citizen* (grazhdanin) has the right to free higher education in State higher educational establishments.

74. Social and cultural stereotypes governing the behaviour of women and men were not raised as an issue until 1994-1995 when the first gender research groups in women's non-governmental organizations were created.

The first specialized course on gender theory was taught at the international relations faculty of Almaty Abay State University from March to June 1999. A course on "gender sociology" is planned for the academic year 1999-2000 at the Al-Farabi Kazakh State University.

The teaching of subjects in the humanities from the aspect of gender is hampered by a number of factors, including the lack of appropriately trained lecturers, the absence or shortage of textbooks on the subject, poorly developed methodological resources for courses on gender, the difficulty of introducing gender courses into curricula as a result of the commercialization of higher education, and the lack of motivation of lecturers to take new material on board because of the unsatisfactory remuneration they receive for their work (low salaries).

In Kazakhstan, there are nevertheless a number of independent research groups keen to expand the teaching of gender courses to the secondary school level (the Centre for Gender Research at the Institute for Strategic Research, the Feminist League). They see the opening of a gender research department in one of Almaty's higher education establishments as the best means of institutionalizing gender research.

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

75. The Ministry for Education and Science and the Healthcare Agency of the Republic of Kazakhstan plan to draft legislation on the rights of the child, on ethics and sex education, and on social and special pedagogical support for children and adolescents with disabilities.

An educational programme for teenage girls (Izmeneniya — "Change") was developed in the framework of the nationwide programme "Kazakhstan 2030".

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

76. The Criminal Code in force until 1 January 1998 contained only one article relating to the elimination of the exploitation of the prostitution of women: "Keeping of brothels and procuring" (article 215-1).

The new Criminal Code, which entered into force on 1 January 1998, significantly reduced the maximum punishment for this crime: from five to three years (in the absence of aggravating circumstances), but simultaneously introduced several new articles into Kazakhstan's legislation. These covered: the recruitment of persons for the purposes of sexual or other exploitation (article 128), which carries a maximum punishment of eight years' imprisonment; the luring of a minor into prostitution (article 132) — up to three years' imprisonment; trafficking in minors (article 133) to and from Kazakhstan — up to ten years' imprisonment; coercion to prostitution (article 270) — up to three years' imprisonment.

As a supplement to the Criminal Code, Parliament adopted resolution No. 862 of 25 June 1999 on the approval of the rules for licensing the attraction of foreign manpower and the export of labour from Kazakhstan, which regulates the licensing of export of manpower and prohibits the organization of sex tourism.

Moreover, appropriate instructions have been given to Kazakhstan's diplomatic missions and consular institutions located in countries where there is a possibility of trafficking in women in order to protect Kazakhstan's female citizens. If trafficking in Kazakh women takes place, the necessary measures are taken to ensure their return to Kazakhstan.

Prostitution as such is considered an administrative offence under the Administrative Offences Code of 22 March 1984 and is subject to caution or fine (article 182-1).

77. In the first six months of 1999, 45 women were abducted and recruited for sexual or other exploitation, and three individuals were prosecuted for forcing women into prostitution.

According to the Ministry for Home Affairs, crimes such as the organization and keeping of brothels for procuring and prostitution are, for the most part, committed by divorced women and unemployed single mothers with dependent children. This type of offence becomes their source of income. In the first six months of 1999, 30 persons were prosecuted for keeping premises for the consumption of narcotic drugs and psychotropic substances, 43 for organizing and keeping brothels for prostitution and procuring, and 12 for the illicit dissemination of pornography and materials promoting cruelty and violence.

Kazakhstan is interested in becoming a party to the following international treaties pertaining to questions of slavery, subordination and forced labour:

- The 1927 Slavery Convention;
- The 1932 Forced Labour Convention;
- The 1951 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

The above-mentioned treaties are currently being analysed by the Republic's Ministries and departments.

The procedure governing the signing, ratification and implementation of international treaties is regulated by an order of the President of the Republic of Kazakhstan on the procedure for the conclusion, implementation and denunciation of international treaties of the Republic of Kazakhstan of 12 December 1995, which has the force of law, and by resolution No. 189 of 12 February 1996 of the Government of the Republic of Kazakhstan on the Council of Experts on the Cooperation of the Republic of Kazakhstan with International Organizations, pursuant to which the

Republic becomes a party to international treaties following the approval by the Council of Experts of a proposal submitted by the Ministry or department concerned.

It is planned that the new draft of the law on tourism being prepared by the Ministry of Transport, Communication and Tourism will include measures to prevent the use of tourism for exploitation for purposes of prostitution.

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

78. According to article 33 of the Constitution, citizens of the Republic of Kazakhstan enjoy the right to participate in the management of State affairs either directly or through their representatives, to vote and to be elected to State bodies and local authorities and to participate in the Republic's referendum; they also enjoy an equal right to hold public office.

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

79. The State guarantees equal rights and opportunities to women and men in respect of their nomination and registration as candidates for the posts of President of the Republic of Kazakhstan, deputies to the Senate and Majilis, for local administrative bodies and in all election campaigns.

The constitutional law on elections in the Republic of Kazakhstan strengthened the right of citizens of the Republic of Kazakhstan to participate in elections from the age of 18 years, irrespective of origin, social, professional or property status, sex, race, nationality, language, religious affinity, convictions, place of residence and other circumstances.

80. On 1 July 1999, the total number of male and female voters was 8,358,450.

In the presidential elections of 10 January 1999, 87 per cent of the electorate took part. The Central Electoral Commission does not maintain a separate count of female voters.

According to data provided by the Feminist League NGO, women account for 53 per cent of the electorate.

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

81. The Government of the Republic of Kazakhstan includes one woman: a minister without portfolio, Chairperson of the National Commission on Family and Women's Affairs. Four women head State committees and agencies, 10 women are Deputy-Ministers of vice-chairpersons of committees or agencies, five women are deputy *akims* of regions. One woman has been nominated as a presidential candidate by Kazakhstan's Academy of Sciences.

In the Supreme Court of the Republic, 16 of the 48 judges are women.

Four of the seven members of the Central Electoral Commission of the Republic of Kazakhstan are women. Of the 800 members of regional, area and Almaty and Astany town electoral commissions, 30 per cent are women, as are about 50 per cent of the members of divisional electoral commissions.

The Ministry of State Revenue fills vacant posts according to whether a candidate meets the qualification requirements. There are no discriminatory provisions.

In the Ministry's central apparatus, women account for over 50 per cent of staff, with one third occupying managerial positions.

Table 24
Information on female staff in the central apparatus of the Ministry of State Revenue (as of 22 July 1999)

Staffing table	*Total currently working*	*Total number of women*	*Women in managerial positions*
230	200	110	29*

* Head of Department to Deputy Chief of Division level.

In the Ministry of Energy, Trade and Industry of 268 persons working in the central apparatus and committees, 137 are women (51 per cent).

Table 25
Number of female managers in the Ministry of Energy, Trade and Industry

Post	*1 July 1998*	*1 July 1999*
Vice-Minister	–	1
Head of Department	–	2
Deputy Head of Department	–	2
Chief Administrator	1	5
Deputy Administrator	1	6
Chief of Division	4	10
Deputy Chief of Division	–	2
Chief adviser	35	41
First adviser	23	32
Senior adviser	10	8
Total	72	137

In the Ministry of Natural Resources and Environmental Protection and its regional organs, women account for approximately 40 per cent of the total number of specialist staff.

In the Ministry of Agriculture, women account for over 40 per cent of staff of the central apparatus, with approximately 10 per cent occupying managerial posts as chiefs and deputy chiefs of divisions in ministerial committees and departments.

In the Ministry's structural subdivisions, preliminary work is being carried out to facilitate the nomination and approval of female candidatures for managerial posts; documentation on the candidatures is being prepared for submission to the National Commission on Women's Affairs.

In the Ministry of Transport, Communications and Tourism, there are 134 female staff and 125 male staff (259 in total), with 29 women in managerial posts. A total of 1,023 persons are employed in State-owned car manufacturing enterprises, including 384 women (37.5 per cent), including 350 white-collar workers and 34 blue-collar workers.

The Ministry of Defence has drawn up a list of military posts in which women may serve.

There are 3,380 women to serve on a contractual basis in the Armed Forces of the Republic of Kazakhstan.

The Ministry of Defence plans to broaden the sphere of women's participation in the military to include the command level of units and sub-units.

Since 1 September 1998, for the first time in Kazakhstan's history, 23 girls have been studying at the Military Academy of the Armed Forces of the Republic of Kazakhstan.

In the context of a campaign to attract women into the Armed Forces, more than 30 female secondary school graduates sat entrance examinations for the National Security Committee of the Republic of Kazakhstan.

Seven women head district (town) education authorities (departments), namely 44 per cent of the total.

Only two of the 51 State higher education institutions are directed by women.

Although women clearly predominate among specialized personnel with higher qualifications, the majority are concentrated in the lower echelons of management.

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

82. Women enjoy an equal right to participate in non-governmental organizations. The public organizations in existence before 1991 for the most part either no longer exist or have significantly reduced the scope of their activities. Women dominate in many of the new non-governmental organizations established over the past eight years (political parties excepted).

In recent years in Kazakhstan, a relatively strong non-governmental women's movement has come into being; since 1998 it has sought to influence policy.

In autumn 1998, the Women's Electoral Initiative Coalition was formed, comprising 20 of the most prominent women's organizations. In August 1999, the Coalition sent a memorandum to all registered parties demanding that they include at least 50 per cent women on their party lists for the presidential elections. In June 1999, a fund — the Women's Electoral Block — was established to support female candidates. In July 1999, the only party with a female majority (60 per cent) and a female leader, the Party for the Regeneration of Kazakhstan, declared itself a women's party. In August 1999, the Political Alliance of Women's Organizations was formed.

Nevertheless, the majority of the 11 registered parties put forward only a small number of women as candidates in the October 1999 elections to the lower house of parliament, as was the case previously.

Almaty, until recently the capital of Kazakhstan, is at the centre of the women's movement thanks to the extensive social, cultural and political activity in the region and the fact that women in Almaty are in the majority (1,197 women to 1,000 men)). The main issues concerning women's organizations are:

- Welfare support for women (Almaty Association of Single Mothers, "Bibi-Ana", Kazakhstan Union for Large Families, etc.);
- Violence against women (Crisis Centre for Women and Children, Friends ("Podrugi") Crisis Centre, Feminist League);
- Increasing women's participation in politics (Almaty Women's Information Centre, "Zharia", Women's Electoral Block, "Nayadu", etc.);
- Gender education and gender research (Almaty Women's Information Centre, Feminist League, the Centre for Gender Research at the Institute for Strategic Research);
- Environmental issues (International Environmental Association for Women of the East);
- Monitoring of the situation of women and of women's rights (Feminist League).

Women's organizations have some influence over legislative change in the interests of equal rights and opportunities: proposals put forward by the Feminist League in respect of the revision of the marriageable age were included in the new law on marriage and the family (see commentary to article 16 (a)) of the Convention).

No.	*Party*	*Total number of candidates*	*Per cent of women on party lists*	*Per cent of women in local constituencies*	*Per cent of female party candidates*
1.	Party for the Regeneration of Kazakhstan	10	60	40	50
2.	Communist Party of Kazakhstan	17	28.5	30	29.4
3.	Kazakhstan People's Congress	4	50	0	25
4.	Kazakhstan Agrarian Party	9	28.5	0	22.2
5.	"Otan"	61	22.2	18.6	19.7
6.	Kazakhstan Democratic Party ("Azamat")	28	10	16.7	14.3
7.	Kazakhstan Civic Party	36	11.1	11.1	11.1
8.	Kazakhstan National Party ("Alash")	2	0	0	0
9.	Kazakhstan People's Cooperative Party	4	–	0	0
10.	Republican Political Labour Party	7	0	0	0
11.	Republican People's Party	12	0	0	0

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

83. Women of the Republic of Kazakhstan have the opportunity, on equal terms with men and without any discrimination, to represent their Governments at the international level and to participate in the work of international organizations. This is guaranteed by the Constitution of the Republic of Kazakhstan.

Two women currently represent the Government of the Republic of Kazakhstan at the international level as ambassadors extraordinary and plenipotentiary. However, women of the Republic of Kazakhstan are hardly represented at all in international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

84. The United Nations Convention on the Nationality of Married Women was submitted to the Parliament in November 1999 with a view to Kazakhstan's accession to the Convention.

The legislation of Kazakhstan grants women absolutely equal rights with men to acquire, change or retain their nationality.

Part III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

85. The Constitution of Kazakhstan of 30 August 1995, in article 30, guarantees citizens free compulsory secondary education in State education establishments.

Under the Law on education of 7 June 1999, one of the basic principles of State policy in the education field (art. 3) is equality of rights of all citizens of the Republic of Kazakhstan to education.

In spite of the fact that, of the total number of the population aged between 7 and 18 years, boys predominate, among schoolchildren there are rather more girls in both primary and secondary education. At the beginning of the 1997/98 school year, a total of 26,900 children did not attend school, the majority of those being boys. The State therefore has to take special measures to expand access of boys in particular to primary and specialized secondary schools.

As a result of the measures taken, the number of school-age children not attending schools for various reasons was reduced by the end of the current school year to 172.

Table 26
Schools, teachers and pupils in primary and secondary education for the 1997/98 school year

	Primary (grades 1-4)	*General secondary (grades 5-11)*	*Specialized secondary schools*
Total:			
Schools (number)	8 238	8 238*	219
Teachers (number)	72 569	171 773	14 348
Pupils (in thousands)	1 290.8	1 796.3	148.2
Girl pupils (in thousands)	644.1	899.9	88.6
Girls (as a percentage)	49.9	50.1	59.8
Urban settlements:			
Schools (number)	2 028	2 028	...
Teachers (number)	30 035	71 094	...
Pupils (in thousands)	657.3	902.4	...
Girl pupils (in thousands)	327.9	452.1	...
Girls (as a percentage)	49.9	50.1	...
Rural areas:			
Schools (number)	6 210	6 210	...
Teachers (number)	42 534	100 679	...
Pupils (in thousands)	633.5	893.9	...
Girl pupils (in thousands)	315.5	448.7	...
Girls (as a percentage)	49.8	50.2	...

* In Kazakhstan, primary and general secondary schools are combined. So the number of primary and general secondary schools is the same.

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

86. See paragraph "a".

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

87. Within the higher-education system of the Republic, all curricula, textbooks and other teaching materials are uniform in terms of contents and are intended for all students irrespective of gender.

88. The secondary-education system of the Republic is based mainly on co-education. However, within the system of higher education a Women's Pedagogical Institute has existed for several decades. This is the only higher-education institution in Kazakhstan in which teaching is exclusively in the Kazakh language and in which girls from rural areas comprise a majority of the student body.

Recently, separate secondary schools have appeared, including the Kazakh-Turkish women's lycée in the city of Kyzylorda.

(d) The same opportunities to benefit from scholarships and other study grants;

89. Scholarships and other study grants are provided on an equal basis irrespective of gender.

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

90. Taking into account the higher level of education among women, it may be noted that the existing knowledge gap is not in men's favour.

The Labour Code of 21 July 1972 contains a number of provisions aimed at encouraging continued education, including the expansion of literacy among adults, regardless of gender. They include:

Reduction of the workweek for students of evening and external general secondary schools (art. 186) by one day, with a wage of 50 per cent for that day, and for rural students, by two days;

Paid leave (art. 187) of up to 20 days to sit for final examinations at evening and external general secondary schools, of up to 30 days (art. 189) to sit for examinations at vocational schools, and up to 40 days (art. 193) to sit for examinations at evening and external higher and specialized secondary educational establishments;

Unpaid leave (art. 190) of up to 15 days to sit for entrance examinations to higher and specialized secondary educational establishments.

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

91. No data available.

(g) The same opportunities to participate actively in sports and physical education;

92. Physical training in those educational establishments where facilities are available is compulsory for all students irrespective of gender.

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

93. A selective poll of schoolchildren has revealed a lack of medical and hygienic knowledge and habits conducive to a healthy lifestyle.

Thus, 47 per cent of children do not regularly take part in sports, up to 60 per cent smoke tobacco, 30 per cent drink alcohol occasionally, 6 per cent have experimented at least once with narcotic or toxic substances, and up to 30 per cent of children and teenagers have sexual intercourse at an early age.

For the whole period of schooling, children either contract, or suffer a tenfold aggravation of, respiratory, ophthalmic (myopia), digestive, urino-genital, neuro-psychological or locomotory diseases or disorders.

That is why great attention has been paid recently in educational institutions to instilling a healthy lifestyle.

In 1996, in answer to the question "Where do you learn about healthy lifestyles and the problems of sex?", only 3-5 per cent of pupils replied "At school"; in 1998, 65 per cent of polled schoolchildren gave that answer.

Both teachers and students are given physical-fitness tests, as recommended by the President, and new forms of conditioning and health improvement are being introduced. "Health days" are held regularly.

A training programme and a teacher's manual were developed for the subject of moral and sexual education, a set of programmes for pupils, students, teachers and parents was elaborated for AIDS prevention, and an educational programme "Changes" for teenage girls was developed.

The Ministry of Health, Education and Sports is planning to draft a law on moral and sexual education.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity

and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Poverty

94. Starting in January 1999, the Ministry of Labour and Social Security began setting a poverty level, equal to the level of food poverty (which depends on one's economic situation and purchasing power and amounts to 70 per cent of the subsistence level). In the first quarter of 1999 the poverty level was established at 2,280 tenge, rising in the second quarter to 2,383 tenge.

A family below the poverty level cannot apply for social support, since such support, if granted on a wide scale, would be considered an unacceptable burden for the State budget. That is why the poverty level is used only as a tool to assess the living standards of the population. Another criterion is used to determine the necessity of providing social support, namely, twice the monthly figure per family member, amounting to approximately half the figure for the poverty level and 40 per cent of the subsistence level.

The plan providing for measures to implement the Government's Programme of Action for 1998-2000 had envisaged development of a State programme for support to the poor and homeless. However, in the light of the worsening economic situation in the Republic, this programme was omitted from the plan.

The proportion of the population living below the poverty level, according to the Statistical Agency of the Republic of Kazakhstan, in 1998 was 18.3 per cent, while in 1999, according to forecasts by the Statistical Agency, it will constitute 23 per cent of the total population.

The proportion of the population with incomes below the subsistence level is considerably higher.

The number of poor people in the south is higher than the average for the Republic. Nearly two out of three poor people live in the south or east of the country.

Table 27
Wages and pensions indexes (1991=100 per cent)

	1992	*1993*	*1994*	*1995*	*1996*	*1997*
Real annual average wage	85.9	67.6	46.1	46.3	47.5	50.6
Official minimum wage	41.9	26.4	12.4	9.7	41.2	48.2
Average pension	98.7	153.3	63.4	43.2	54.2	50.0

Unemployment

95. In 1998, a total of 537,300 people applied to the State employment agencies, including 295,900 women; 105,300 applicants were placed in jobs, including 49,300 women; 382,000 people were registered as unemployed, including 220,100 women; unemployment benefits were granted to 363,100 people; 39,900 people participated in public works, including 19,600 women; 17,100 unemployed were trained or re-trained, including 10,400 women; and 15,200 people were placed in jobs after training, including 9,100 women. In the first half of 1999, 185,400 job-seekers applied to the competent employment agencies, including 100,000 women; 33,200 were placed in jobs, including 16,800 women; 120,300 were registered as unemployed, including 69,900 women; 32,600 participated in public works, including 21,700 women; 5,600 received vocational training, including 3,400 women; and 4,900 were placed in jobs after training, including 3,100 women.

Table 28
Comparative table of the number of employed and unemployed (in thousands)

	1991	1992	1993	1994	1995	1996	1997
Total number of employed	7 716.2	7 571.9	6 926.3	6 581.8	6 551.5	6 518.9	6 472.3
Including:							
Men	3 935.3	4 013.1	3 670.9	3 422.5	3 472.3	3 494.1	3 520.9
Women	**3 780.9**	**3 558.8**	**3 255.4**	**3 159.3**	**3 079.2**	**3 024.8**	**2 951.4**
Total number of unemployed	...	...	...	536.4	808.3	970.6	967.8
Including							
Men	...	...	...	188.8	322.5	357.2	323.2
Women	...	...	...	**347.6**	**485.8**	**613.4**	**644.6**
Including							
Registered	4.0	33.7	40.5	70.1	139.6	282.4	257.5
Including							
Men	1.0	8.6	12.1	24.7	55.7	104.0	86.0
Women	**3.0**	**25.1**	**28.4**	**45.4**	**83.9**	**178.4**	**171.5**

The changes currently taking place in the political, economic and social fields have also affected employment.

Unemployment is becoming a constant factor in the development of the labour market and in the sharpening of competition for jobs. Characteristic features of the labour market are the following:

A growing imbalance between demand for and supply of manpower;

A significant level of unregulated employment in the informal sector of the economy;

Growing labour intensity, with a re-distribution of manpower among the economic sectors and various types of economic activity;

The low cost of manpower, which has significantly lagged behind the cost of living;

The large-scale persistence of partial unemployment or hidden unemployment;

A significant level of female unemployment.

A typical present-day unemployed person in Kazakhstan is a woman (58.1 per cent) of total, with general secondary (45.2 per cent) or specialized secondary (37.9 per cent) education, aged between 30 and 50 years (60.4 per cent), and whose length of service is more than ten years (58.7 per cent).

Over the past two years the number of long-term unemployed (more than one year) has considerably increased. They make up approximately 15 per cent of the total number of those who have applied, and are mostly women.

As the competition for jobs grows, the tendency to discriminate against women in job recruitment and dismissal is getting stronger, especially against women with minor children and women over 40.

The drop in aggregate demand for manpower, including workers applying to the State employment services, is the main problem of the labour market. Whereas in 1995, in Almaty — the most prosperous region of the Republic — there were up to two vacancies for every person unemployed, in 1996 there were five or six unemployed applying for every vacancy; in 1997 there were 13 applicants and by 1998, the number had risen to 16.

The employment services have a fairly large database of vacancies listed by occupation, but they cannot be filled, as the employers pay a low wage that does not meet the cost of living, or they delay payment. Those in greatest demand on the labour market are: cooks, waiters, barmen, shop-assistants, construction

workers, drivers, loaders, specialists in maintenance of electric-power grids and equipment, and other occupations which do not require vocational training. Today, except for shop-assistants, these occupations are predominantly "male".

As for the specialists of a "new caliber", i.e. those possessing the skills to work under the new economic conditions, those in most demand — judging from applications to employment agencies — are the following (underlined are the positions which the employer would like to have filled by men): insurance agents, advertising agents, trade (commercial) agents, brokers, secretaries/assistants with knowledge of several languages, managers and translators/interpreters. A study of applications submitted to employment agencies clearly indicates that employers prefer to see men in practically all positions, excluding those which require longer training and do not call for decision-making.

Table 29
Length of unemployment, by number of persons

	Unemployed		
	Total	*Number of women in total*	*As a percentage of total*
By the end of 1996:			
Total number of unemployed	282 409	178 433	63.2
Comprising those unemployed for a period of:			
Up to 1 month	33 043	20 848	63.1
1 to 3 months	63 709	40 355	63.3
3 to 6 months	75 660	48 651	64.3
6 to 12 months	76 033	48 220	63.4
More than 1 year	33 964	20 359	59.9
Average length of unemployment, in months	5.9	5.9	
By the end of 1997:			
Total number of unemployed	257 484	171 498	66.6
Comprising those unemployed for a period of:			
Up to 1 month	28 266	18 177	64.3
1 to 3 months	62 209	40 751	65.5
3 to 6 months	71 241	48 711	68.4
6 to 12 months	59 733	40 263	67.4
More than 1 year	36 035	23 596	65.5
Average length of unemployment, in months	6.0	6.0	
By the end of 1998:			
Total number of unemployed	251 939	156 415	62.1
Comprising those unemployed for a period of:			
Up to 1 month	31 955	19 091	59.7
1 to 3 months	56 518	35 177	62.2
3 to 6 months	65 355	40 890	62.6
6 to 12 months	63 425	38 036	60.0
More than 1 year	34 686	23 221	66.9
Average length of unemployment, in months	6.0	6.1	

Table 30
Placement of women in jobs (data of the Kazakh Ministry of Labour and Social Security)

	1994		*1995*		*1996*		*1997*		*1998*	
	Women	*As a % of total*	*Women*	*As a % of total*	*Women*	*As a % of total*	*Women*	*As a % of total*	*Women*	*As a % of total*
Number of those officially registered as unemployed at the end of the year	45 409	64.8	83 957	60.2	178 433	63.2	171 498	66.6	156 415	62.1
Including residents of rural areas	23 833	63.4	44 366	58	80 616	57.7	59195	60.7	51 031	54.7
Level of officially registered unemployment as a per cent of the economically active population at the end of the year	x	1.4	x	2.7	x	5.6	x	5.5	x	5.0*
Those who applied for jobs during the year	136 219	50.3	177 848	50.5	313 546	55.8	316 971	59.4	295 939	55.1
Placed in jobs during the year	39 560	42.3	36 779	39.9	40 887	40.7	42 262	43.8	49 317	46.8
Comprising:										
Workers	26 458	36.1	24 781	33.6	27 505	34.8	26 244	36.5	30 717	39.7
Office employees	13 102	65.1	11 998	65.0	13 382	62.7	16 018	65.1	18 600	66.6
Among those placed in jobs:										
Persons of pre-retirement age	427	46.1	494	41.8	295	37.4	202	33.9	175	31.9
Registered as unemployed during the year	66 216	58.6	114 695	56.5	235 065	60.0	243 354	63.6	220 130	57.6

* Estimated data.

(a) The right to work as an inalienable right of all human beings;

96. The right to work is guaranteed in article 24 of the Constitution:

> Everyone has the right to freedom of employment and free choice of employment and profession. Forced labour is permitted only on the sentence of a court, in a state of emergency or under martial law.

A broader interpretation of the right to work is provided in article 4 of the Law on employment of 30 December 1998, which contains the following provisions:

> 1. The State shall ensure the pursuit of a policy that promotes the attainment by citizens of productive and freely chosen employment.
>
> 2. State policy in the field of employment shall be aimed at:
>
> Ensuring equal opportunities for all citizens residing permanently in the territory of the Republic of Kazakhstan, irrespective of race, nationality, sex, language, social and professional status, property, origin, religious views, opinions and membership of public organizations, in the choice of employment and in job placement.

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

97. Article 16 of the Labour Code of the Kazakh Soviet Socialist Republic of 21 July 1972, which remains in force in the Republic of Kazakhstan, contains the following provision:

> No direct or indirect restriction of rights of any kind, nor the establishment in respect of recruitment of direct or indirect advantages based on sex, race, nationality or religious views shall be permitted.

The Law on employment of 15 December 1990 introduced additional guarantees in respect of employment of the population (article 7), including:

> Provision free of charge of vocational guidance services, vocational training and retraining, information on job vacancies, intermediary help in selecting suitable work and with job placement;
>
> Protection against groundless refusal to hire and dismissal, and assistance with job retention;
>
> Protection from all forms of discrimination and, for all workers, equal opportunities to enter a profession and obtain employment and equal conditions of service and working conditions.

98. Article 17 of the Law on labour protection, adopted by the Supreme Council of the Republic of Kazakhstan on 22 January 1993, contains the following provision, which obliges employers to apply unequal criteria in the recruitment of men and women:

> All women and persons under 18 years shall undergo a medical examination before being hired and, thereafter, shall undergo mandatory annual medical examinations until reaching the age of 45, in the case of women, and 18, in the case of minors.

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

99. Article 24 of the Constitution states:

> Everyone has the right to freedom of employment and free choice of employment and profession. Forced labour is permitted only on the sentence of a court, in a state of emergency or under martial law.

The document "Concept of State policy for the advancement of women in the Republic of Kazakhstan", which was approved by a presidential decree of 5 March 1997 and is considered to define the overarching strategy of State policy in relation to women, establishes the following priorities for the realization of constitutional rights and opportunities in the labour market:

> Establishment of real equality of rights and opportunities of women and men in the labour market, and creation of conditions for the enhancement of women's competitiveness and their adaptation to the new economic relations; alignment of the legislation of the Republic of Kazakhstan with the international instruments on equality of opportunities and treatment in the field of employment ratified by Kazakhstan; evaluation of policy on equal rights and opportunities of men and women in the labour

market and of existing normative legal acts (recruitment, dismissal, professional development), and development of mechanisms for their effective application; strengthening of the vocational training system, creation of conditions for vocational readaptation, and provision of advanced training or retraining for women with breaks in their employment history; organization of continuous gender analysis of the legal norms regulating labour relations and prohibiting discrimination on grounds of sex or age; elaboration of measures to realize the principles of equal pay for equal work and work of equal value and to eliminate the pay gap between branches with predominantly male or female workforces; creation of conditions for ensuring employment of women with reduced competitiveness (disabled women, mothers of large families, single mothers, wives of military personnel); development of a system of measures to encourage employers to employ and recruit vulnerable categories of the population, and guaranteeing for these categories of legal protection in case of infringement of their employment rights.

As to its legal nature, the Concept does not enjoy the status of a normative legal act. The State has yet to adopt any legal State acts for the realization of the principles and provisions contained in the Concept.

Article 5 of the Law on employment of the population of 30 December 1998 incorporated the concept of discrimination in the State guarantees in the field of employment:

The State shall guarantee citizens:

(1) Free choice of employment and protection of their employment rights;

(2) Protection from all forms of discrimination and, for all workers, equal opportunities to enter a profession and obtain employment

(3) Choice of suitable employment and job placement.

Restrictions on the employment of women

100. Articles 154 and 155 of the Labour Code of the Kazakh Soviet Socialist Republic of 21 July 1972 established the following restrictions on the employment of women, which remain in force to this day:

Article 154. The employment of women in heavy work, in jobs with hazardous working conditions and in jobs underground, with the exception of certain jobs underground (non-manual work, provision of health and consumer services), shall be prohibited.

A list of heavy work and jobs with hazardous working conditions in which the employment of women is prohibited shall be approved in accordance with the procedure established by law.

The carrying and movement by women of heavy loads that exceed the limits established for them shall be prohibited.

Article 155. Restriction of the employment of women in night work

The assignment of women to night work shall be permitted only in those branches of the economy where this is called for because of special need and shall be allowed as a temporary measure.

Article 17 of the Law on labour protection, adopted by the Supreme Soviet of the Republic of Kazakhstan on 22 January 1993, contains the following provision restricting women's right to free choice of profession and employment:

The employment of women and persons under 18 years of age in jobs with hazardous or dangerous working conditions and in jobs involving the lifting or movement of heavy loads by hand shall be restricted in accordance with the procedure established by law.

In conformity with the provisions of the two aforementioned laws, women are not employed in motor transport to drive vehicles with a carrying capacity exceeding 3.5 tons, nor in a number of other highly paid professions.

Military personnel

The Ministry of Defence has drawn up a list of military posts in which women may serve.

It is intended to broaden the sphere of women's participation in the military to include the command level of units and sub-units.

101. The Law on pensions of the Republic of Kazakhstan of 20 June 1997 contains a rule (art. 11) under which periods spent by the wives of officers,

ensigns, warrant officers and re-enlisted military personnel residing with their husbands in locations in which there is no possibility of finding employment in their profession, but not exceeding ten years in total, are counted towards the length of service required for award of a pension.

There is no equivalent rule in relation to husbands.

Additional guarantees in respect of job placement for socially vulnerable sections of the population

102. Since 1990, Kazakhstan has been taking measures to provide additional guarantees in respect of job placement for persons requiring social protection.

The Law on employment of 15 December 1990 established the following categories of persons requiring social protection:

Single parents and parents of large families having minor children;

Persons having two or more dependants;

Young people under 20 years of age;

Disabled persons;

Persons nearing retirement age;

Persons transferred from the army to the reserve;

Military personnel who have fought abroad (as a rule, those who fought in Afghanistan);

Citizens released from detention centres;

Persons who have undergone treatment on the order of a court;

Forced migrants.

This Law provided that local authorities could fix, for enterprises and organizations located in their territories, minimum numbers of special posts to be reserved for such persons, which number should not exceed 3 per cent of the total number of workers.

The Regulations on the establishment of quotas for the recruitment of persons requiring social protection and experiencing difficulties in obtaining employment, which were approved by the Cabinet of Ministers on 4 November 1991, added the long-term unemployed to the categories of citizens requiring special social assistance.

On 15 December 1992, refugees, forced migrants and members of their families were included in these categories.

The Law on employment of 30 December 1998 added the following categories (article 5):

Women;

Persons residing in rural areas;

Persons residing in environmental disaster areas.

This Law, in article 17, obliges local executive authorities to fix, for organizations located in their territories, annual quotas for the recruitment of persons in the categories indicated. Model rules on the establishment, in respect of organization, of minimum numbers of posts (quotas) for the recruitment of persons requiring social protection were approved by a resolution of the Government of the Republic of Kazakhstan of 25 June 1999. These rules stipulate that local executive authorities must set, in respect of organizations, quotas for the recruitment of persons in particular need of social protection, which quotas should not exceed 5 per cent of the total number of workers.

103. The status of women in the vertical employment structure is quite discouraging. Despite the fact that the overwhelming majority of specialists and administrative personnel are women, the number of women managers at all levels is very low and is steadily declining.

Table 31
Number of economically active persons

	1996			1997			1998		
	Total, thousands	*Of whom women*	*Proportion of women, percentage*	*Total, thousands*	*Of whom women*	*Proportion of women, percentage*	*Total, thousands*	*Of whom women*	*Proportion of women, percentage*
Average number of economically active persons per annum*	6 518.9	3 024.8	46.4	6 472.3	2 951.4	45.6	6 300	2 885.4	45.8
Average number of employed persons per annum**	4 380.5	2 084.6	47.6	3 628.8	1 728.2	47.6	3 070.6	1 405	45.8
Consisting of									
Manual workers	2 864.9	1 085.6	37.9	2 298.4	844.5	36.7	1 852.8	627.1	33.8
Non-manual workers	1 515.6	999	65.9	1 330.4	883.7	66.4	1 217.8	777.9	63.9
Including									
Managers	**250.4**	**93.9**	**37.5**	**220.8**	**80.6**	**36.5**	**189.1**	**67.2**	**35.5**
Specialists	1 086.1	783.2	72.1	942.2	691.1	73.3	884.5	617.8	69.8
Other non-manual workers	179.1	121.9	68.1	167.4	112	66.9	144.2	92.9	64.4

* 1998 data are provisional.
** Data cited do not take into account small enterprises with 50 employees or less.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

104. Article 24 of the Constitution guarantees certain rights in the field of labour relations:

> Everyone has the right to working conditions that meet safety and health requirements, to remuneration for labour without any discrimination, and to social protection from unemployment.

Article 75 of the Labour Code of the Kazakh SSR of 21 June 1972 prohibits any reduction of the amount of pay on grounds of sex, age, race or nationality.

105. There are no disaggregated statistical data on the average pay of working women.

Starting in 1999, the Statistics Agency will track, at 6-month intervals, the following data in respect of women (but only for organizations with more than 50 employees): number, share of the wage fund, average monthly nominal pay, recruitment and departure.

Average pay by economic branch

There are no statistical data on the average pay of working women. For information purposes, the average monthly pay (in tenge) of workers by type of economic activity for the period January to December 1998 was as follows: overall — 9,682; agriculture, hunting and forestry — 3,891; industry — 13,826; construction — 11,864; commerce, and repair of cars and household appliances — 7,985; transport and communications — 11,926; finance — 19,030; government — 10,313; education — 7,244; health and social services — 6,397.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

106. The right to social protection from unemployment is established in article 24 of the Constitution, the right to rest and to annual paid leave in article 24, paragraph 4, of the Constitution, and the right to social security in cases of retirement, sickness, invalidity and old age in article 28, paragraph 1, of the Constitution.

The Labour Code of the Kazakh SSR of 21 June 1972 established compulsory State social insurance of the following types:

Temporary disability benefit, including in case of disability caused by industrial injuries or occupational diseases (art. 234);

Maternity benefit (art. 235);

Treatment at a sanatorium;

Allowance paid on the birth of a child;

Funeral expenses allowance;

Pensions in cases of old age, invalidity or loss of the breadwinner (art. 236, 237 and 238).

The Labour Code was amended by the Law of 17 December 1998, which abolished articles 236, 237 and 238 and added the following types of compulsory social security:

Social assistance in case of unemployment;

Provision of a guaranteed amount of free medical care.

The Law on special State benefits in the Republic of Kazakhstan of 5 April 1999 abolished compulsory social security, replacing it with employer-funded social security for workers.

Temporary disability benefit

107. The Labour Code of the Kazakh SSR of 21 June 1972 stipulated that temporary disability benefit should be paid in an amount equivalent to full pay, subject to uninterrupted service.

The Law of 17 December 1998 put a ceiling on the amount of temporary disability benefit of 15 accounting indexes, or 9,900 tenge per month (US$ 115) as at 1 January 1999.

Temporary disability benefit in case of industrial injury or occupational illness continued to be paid in an amount equivalent to 100 per cent of the average wage.

From 1 January to 17 April 1999, temporary disability benefit paid to working citizens was based on the average monthly wage, subject to a ceiling of 15 monthly accounting indexes. Temporary disability benefit was paid either by State institutions from the savings made in respect of the wage fund or by employers from their own funds, depending on the main place of work.

Since 18 April 1999, temporary disability benefit paid to working citizens has been based on the average monthly wage, subject to a ceiling of 10 monthly accounting indexes with the employer bearing the expense.

Special categories of the population

108. The Law of the Republic of Kazakhstan of 17 December 1998 amending and supplementing certain legislative acts of the Republic of Kazakhstan on social security issues provided that the allowance for care of a sick child residing in an area affected by nuclear testing should be paid at the full rate, to one of the parents or to the persons replacing them, for the entire period of the illness.

Maternity benefit

109. The Labour Code of the Kazakh SSR of 21 June 1972 stipulated that the level of maternity benefit should be equivalent to the full amount of the average wage.

Under this Code, the length of maternity leave was 112 calendar days (56 before and 56 after the birth, or, in case of difficult deliveries or multiple births, 70 calendar days after the birth or births).

The Law of 6 December 1990 increased the duration of maternity leave to 126 days (70 days before and 56 days after the birth).

From 1 January to 17 April 1999, working women received maternity benefit in an amount equivalent to full pay for the entire period of maternity leave. Maternity benefit was paid either by State institutions from the savings made in respect of the wage fund or by other employers from their own funds, depending on the main place of work.

Since 18 April 1999, maternity benefit has been paid by employers out of their own funds, taking the average monthly wage as a basis and subject to a ceiling of 10 monthly accounting indexes.

Special categories of the population

108. The Law of the Republic of Kazakhstan of 17 December 1998 amending and supplementing certain legislative acts of the Republic of Kazakhstan on social security issues provided that, for women residing in areas affected by nuclear testing, the length of maternity leave should be 170 calendar days for normal births and 184 days in case of difficult deliveries or multiple births.

Guarantees and compensation in case of unemployment

111. The Law on employment of 15 December 1990 established the following types of social guarantees and compensation:

Preservation of total length of service and uninterrupted service (which plays the main role in the award of pensions);

Payment of grants during periods of vocational training, advanced training or retraining;

Remuneration for labour on paid public works;

Unemployment benefit;

Provision of material assistance to the unemployed person and his or her dependants, either older persons or minor children;

Possibility of early retirement (up to two years in advance) for persons nearing retirement age.

Unemployment benefit

112. The Law on employment of 15 December 1990 (articles 28-32) made the following stipulations in respect of the amount of unemployment benefit and the period of entitlement:

Not less than 50 per cent of the pay at the last place of work for up to 26 weeks in any 12-month period (up to 36 weeks in the case of unemployed persons nearing retirement age);

Not less than the official subsistence wage and not more than the average wage in Kazakhstan;

For first-time job seekers, not less than 75 per cent of the official subsistence wage for up to 13 weeks;

For persons wishing to resume work after a prolonged interruption (generally women), from 75 to 100 per cent of the official subsistence wage for up to 13 weeks in any 12-month period;

For unemployed persons having children under 14 years or other dependants, amount of the benefit to be increased by 10 per cent per dependant.

There were additional benefits for persons unemployed as a result of the liquidation of an enterprise or because of lay-offs: a monthly severance allowance and payment, for a period of three months, of an amount equivalent to the average wage.

Grants paid to unemployed persons during periods of advanced training or retraining

The Law on employment of 15 December 1990 (art. 34) made the following stipulations in respect of the amount of the grants paid to unemployed persons during periods of advanced training or retraining and the period of entitlement:

100 per cent of the pay at the last place of work, but not less than the official subsistence wage;

For citizens unemployed for a prolonged period (more than one year), 50 per cent of the average wage in Kazakhstan;

For first-time job seekers, 100 per cent of the official subsistence wage.

Since 1 January 1999, unemployment benefit has not been paid. Since 1 April 1999, in accordance with the Law of 5 April 1999 amending the Law on employment, unemployment benefit and grants paid to unemployed persons have been abolished and replaced by material assistance and temporary financial assistance, respectively. However, since the amounts are not specified, almost no such assistance is provided.

The decision of the Government of 22 July 1999 approving temporary rules on the provision of targeted social assistance obliged local authorities to provide material assistance in respect of the funerals of unemployed persons.

Special population categories

113. Under the Law of 30 June 1992 on the social protection of victims of the environmental disaster in the Aral Sea region, the following additional social guarantees and compensation are provided to unemployed workers in the disaster area:

An unemployment benefit equivalent to not less than 75 per cent of their base salary at their last place of work, but not exceeding the average wage.

114. Indebtedness for social expenditure (unemployment benefits, scholarships, public works) from the State Employment Support Fund for 1998 amounted to 3,279.8 million tenge, including 3,233.2 million tenge for unemployment benefits. Pursuant to resolution No. 68 of the Government of the Republic of Kazakhstan, of 29 January 1999, the State Employment Support Fund has been liquidated as of 1 January 1999. For the first quarter of 1999, unemployment benefits in the amount of 53.1 million tenge from the budget of

the Republic were allocated, but not paid, to 21,200 people. The issue of discharging the debt for social expenditure is currently being considered by the Government of Kazakhstan.

115. The Law on employment of 30 December 1998 reduced the level of social protection against the effects of unemployment for citizens of Kazakhstan by significantly reducing the rate for unemployment benefits, which, under the old law, had stood at 50 per cent of the person's pay at the last place of work; under the new law, the rate was changed to 3.5 times the accounting index, or 2,310 tenge ($26) per month, as from 1 January 1999.

Under the old law, scholarships for unemployed persons receiving training had represented 100 per cent of the person's pay at the last place of work; under the new law, the amount was reduced to three times the accounting index, or 1,980 tenge ($23) per month, as from 1 January 1999.

For persons of pre-retirement age, the period for benefit payments had been nine months; the new law reduced it to six months.

The new law also abolished the increase of 10 per cent for each dependant.

The Law of 5 April 1999 amending the Law on Employment abolished unemployment benefits and replaced them with financial assistance.

Pensions

116. To some degree, Kazakhstan's pension laws take into account unpaid housework and the time spent on child care for working women by providing that women are entitled to retire five years earlier than men, and, accordingly, requiring five fewer years of service for women than for men.

In the future, this approach may change. Under the scheme for reforming Kazakhstan's pension system, which was approved by the Government on 12 May 1997, the retirement age for men and women would be gradually raised and made equal by 2016. This scheme forms the basis for the current pension reform, which is modelled on the experience of Chile.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

In 1996, in the areas of industry, construction, transport and communications, more than 100,000 women were employed in workplaces that did not meet health and hygiene requirements and standards.

Article 24, paragraph 2, of the Constitution provides that:

"Everyone has the right to safe and hygienic working conditions, to just remuneration for labour without discrimination and to social protection against unemployment".

Article 17 of the Law on employment protection, adopted by the Supreme Council of Kazakhstan on 22 January 1993, provides that, in jobs in which women and young people under the age of 18 are required to lift and move heavy loads by hand, the management must provide for mechanization, automation and other facilities for the transport of such loads.

If loading by lifting and moving heavy objects could cause harm, such loading may not be done by hand.

Pregnant women may not perform jobs which would require them to lift and move heavy loads by hand.

On medical advice, pregnant women are transferred to easier work that does not involve exposure to dangerous or harmful factors of production, in accordance with the relevant legislation.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

Article 164 of the Labour Code of the Kazakh SSR, of 21 July 1972, established the following guarantees concerning the hiring, and prohibiting the dismissal, of pregnant women and women with children:

An employer may not refuse to employ a woman or reduce her pay because she is pregnant or has a child or children under the age of three, or, in the case of single mothers, under the age of 14 (in the case of disabled children, under the age of 16).

If a woman in one of the above-mentioned categories is refused employment, the employer must inform her in writing of the reasons for the refusal. A refusal of employment may be appealed against in the People's Court.

The dismissal of pregnant women and women with children under the age of three (or 15, in the case of single mothers, or 16, in the case of disabled children) at the employer's initiative is not permitted, unless the entire enterprise, institution or organization is liquidated, in which case dismissal is permitted with mandatory job placement. Employers are also obligated to provide job placement for women in the above-mentioned categories if the latter are dismissed at the end of a fixed-term employment contract. They shall continue to be paid at the average wage during the period of job placement, but not for more than three months from the date of expiry of the fixed-term employment agreement.

Under article 127 of the Criminal Code which had been in force until 1 January 1998, an employer who refused to employ a woman because she was pregnant or breastfeeding, or who reduced a woman's pay or dismissed her for those reasons, was subject to a penalty of up to six months' community service or dismissal from his or her post.

Article 148, paragraph 2, of the new Criminal Code establishes different penalties for such offences: a fine of between 200 and 500 times the monthly accounting index (132,000 to 330,000 tenge as of 1 January 1999), or loss of entitlement to occupy certain posts for a period of up to five years. No penalties are established for reducing a woman's pay for the above-mentioned reasons.

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

Articles 159 to 163 and 235 of the Labour Code of the Kazakh SSR, of 21 July 1972, established the following types of leave and social allowances:

For pregnancy and childbirth: see paragraph 109 for details.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

Article 159 of the Labour Code of the Kazakh SSR, of 21 July 1972, provided that women could, at their request, take leave with partial pay until their child reached the age of one year without losing their post or office.

In addition to this leave with partial pay, women could take unpaid leave until their child reached the age of three years, also without losing their post or office.

A law of 6 December 1990 increased the period of leave with partial pay to 18 months and, for the first time, made the leave with partial pay and additional unpaid leave available not only to mothers, but also to fathers, grandmothers, grandfathers and other persons declared by the parents to be actually caring for the child.

This law also afforded women or other persons caring for the child the opportunity to work part-time or at home, while retaining their right to receive child-care benefits.

A law of 26 June 1992 abolished the compensation (of 60 roubles a month) previously paid to employed citizens on the 18-month child-care leave.

A law of 5 April 1999 abolished the leave with partial pay for purposes of child care.

The Labour Code also provides for the following:

In article 163: breaks for feeding a child, which are counted as working time and are paid at the average wage for women with children up to the age of 18 months;

In article 166: the organization, in enterprises with many women workers, of day-care centres and kindergartens, breastfeeding rooms and rooms for women's personal hygiene;

In article 158: the possibility, for women with children under the age of 18 months who cannot carry out their former jobs, to transfer to another job while retaining the average pay of their former job until the child has reached the age of 18 months;

In article 74: short-term leave without pay for workers requiring it on account of family circumstances.

Kazakhstan's tax legislation has required, since 1995, that social services related to the combination of family obligations with work responsibilities should be accounted as expenses which the enterprise may make only out of taxable profits.

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Under articles 47, 53 and 156 of the Labour Code of the Kazakh Soviet Socialist Republic, of 21 July 1972, pregnant women and women with children under the age of three may not be hired to do night work, overtime work or weekend and holiday work, nor may they be sent on business trips. (The hours between 10 p.m. and 6 a.m. are considered to be night-time hours.)

On medical advice (article 158), productivity and service standards are lowered for pregnant women, or the women are transferred to easier jobs that do not involve exposure to unhealthy factors of production, while retaining the average pay of their former jobs.

Under article 17 of the Labour Protection Act, adopted by the Supreme Council of the Republic of Kazakhstan on 22 January 1993, pregnant women may not perform jobs which would require them to lift and move heavy loads by hand.

Under article 54 of the Law of 19 May 1997 on health care for citizens of the Republic of Kazakhstan, maternity is protected through optimal job placement for pregnant women and facilities for enabling them to follow medical advice, as well as the establishment of individual work schedules and part-time working hours.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

The decision of the Government of Kazakhstan on basic guidelines for improving labour conditions and protection in certain branches of Kazakhstan's economy for the period 1997-2000, adopted on 21 January 1997, provided for the preparation, in 1998, of a list of occupations, professions and jobs in which women should not be employed because they involved difficult and unhealthy working conditions, and, in 1999, of a complex hygienic, physiological and ergonomic assessment of the difficulty and intensity of women's work and the establishment of the maximum allowable weight that can be lifted and moved by hand in the leading branches of the economy.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health services, including those relating to family planning.

117. In certain regions of the country, especially in the south, there is inequality between men and women; family planning issues do not always depend on women.

This results in deterioration in the health of women and children and a reduction in the birth rate, while the rate of complications during pregnancy and childbirth remains high and socially significant disease, particularly sexually transmitted diseases, are increasing rapidly.

The widespread smoking of tobacco and the use of alcohol and narcotic drugs, particularly among young people, are a major factor in the deteriorating health of the population. About 60 per cent of men and 20 per cent of women in Kazakhstan are smokers, and about 70 per cent of men and 25 per cent of women drink alcohol. Serious concern has arisen concerning the national gene pool.

The overall health indicator for women in the Republic is 20 per cent, whereas in the East Kazakhstan, Qyzylorda and South Kazakhstan regions it is 10 per cent or less.

Seventy per cent of women in Kazakhstan suffer from anaemia; the figure for women in the South Kazakhstan region is 76 per cent, and for expectant mothers in the city of Almaty it is 63 per cent.

It is disquieting to note that scientists are predicting a further deterioration in women's health indicators in Kazakhstan in the immediate future. The basis of that forecast is the significant number of babies suffering from diseases at birth; according to data from the Scientific Centre for Paediatrics and Paediatric Surgery, the frequency of such conditions as diseases of the kidney and the endocrine system, and anaemia among children has doubled over the past 10 years.

As the access of the population to health care in the Republic has deteriorated, a reform of public health provision has been put in Law.

118. Article 29, paragraph 2 of the Constitution of 30 August 1995 entitles citizens to guaranteed free health care to the extent established by law.

Article 4 of the Law on public health of 19 May 1997 guarantees that health care will be available free of charge within the limits ensured by the medical and sanitary, the medical and social, and the pharmaceutical services provided by State health-care organizations.

At the same time, primary health care (art. 15, para. 3) is a fundamental, accessible and free medical service available to every citizen and includes: treatment for the most widespread diseases, cases of trauma, poisoning and other urgent situations, midwife aid, health promotion and epidemiological protection measures, prevention of major diseases, health education, activities in support of the family, motherhood, fatherhood and childhood, and other activities connected with the provision of medical services in the home.

Emergency treatment (art. 15, para. 2) is provided without charge to adults and children in the case of life-threatening situations, accidents and acute and severe illness by special medical organizations forming part of the State health-care system.

At the same time, home visits to patients to give first aid are guaranteed by law.

The list of free medical services for the public is defined annually by a resolution of the Government in accordance with the annual Budget Act.

119. The main emphasis of the health service in the Republic of Kazakhstan is on the provision of overall medical care for the population without reference to sex, social position or age. The reform of the health service is continuing, its ultimate objective being to raise the quality of the public medical services. A programme for the reduction of mortality among women during pregnancy and childbirth, the basic purpose of which is the optimization and sequencing of medical care, has been introduced in all regions. Women are entitled to a high level of physical and psychological health, and the state of health is determined by social, political and economic conditions. However, the majority of women in Kazakhstan do not assert this right. As a result of the reduction in expenditure on health care and the poorly thought out optimization of general medical facilities, there has been a deterioration in public medical services. In rural areas, there has been a sharp reduction in the number of primary health-care establishments, and as a result 1,200 auls (rural settlements) are without midwifery units, which used to be the main places where pregnant women and nursing mothers received primary health care. (Under the Government resolution of 26 April 1999, during the eight remaining months of that year 51 midwifery units were reinstated and 43 new midwifery units, 6 family outpatient units and 3 rural hospitals were reopened). In the past three years, the number of obstetric and gynaecological beds has fallen by one third. In certain regions, fees have begun to be charged (unofficially) for gynaecological services. At the present time, as a result of socio-economic problems that have arisen, women villagers are unable to obtain adequate food because of the cost of travel and sometimes, because of the lack of transport, are unable to report in good time at district and regional centres for examination and timely hospitalization.

120. The high incidence of certain diseases is a serious problem for the State.

Article 59 of the Law on public health of 19 May 1997 makes it obligatory for citizens suffering from tuberculosis, leprosy, AIDS, venereal diseases and quarantine infections to undergo screening and treatment if required to do so by medical organizations. If they refuse screening and treatment, citizens are treated on a compulsory basis.

Tuberculosis

121. The incidence of tuberculosis has reached epidemic proportions. For the period 1991 to 1997 the overall incidence of tuberculosis nationally increased by 41 per cent.

Up to 14,500 new cases of active tuberculosis are recorded annually. At the end of 1998, there were 58,000 patients with active tuberculosis in TB clinics and institutions, including 13,000 with the contagious form of TB. About 208,000 people are suffering from the sequelae of tuberculosis.

About 13,000 patients with active tuberculosis are in corrective labour institutions of the Ministry of Internal Affairs of Kazakhstan where 4,484 new cases of tuberculosis were reported in 1997. Incidence of the disease is 65 times higher among the "special contingent" [prisoners] than in the remainder of the population.

In 1997 there were 5,948 deaths from tuberculosis in Kazakhstan, including 1,358 in corrective labour institutions of the Ministry of Internal Affairs.

Analysis of the current situation shows that in Kazakhstan, as in other countries of the world, the spread of tuberculosis depends on social and economic factors, regional environmental conditions and the scale and quality of therapeutic care provided to the population. The availability and quality of medical care for tuberculosis patients has deteriorated in recent years and the therapeutic and preventive measures to combat the disease have proved ineffective.

In this connection, on 4 September 1998, the Government adopted a special resolution on urgent measures to protect the population of the Republic of Kazakhstan from tuberculosis.

AIDS

122. The level of HIV infection has become a serious threat in Kazakhstan; as at 1 June 1999, there had been 919 cases and 59 people had died of AIDS.

The growth in the number of cases of HIV infection in the period 1996-1998 (48 cases in 1996, 437 cases in 1997, 299 in 1998 and 85 cases in the first five months of 1999) is related to the outbreak in Temirtau where, according to official statistics, 3,000 of the 32,000 young people aged between 15 and 22 years are intravenous drug users.

Since 1996, parietal infection (through the blood) has been the main means of transmission, particularly among drug addicts who accounted for 89 per cent of cases. Seven per cent of cases were sexually transmitted, about 0.2 per cent were cases of transmission from mother to child and in 4 per cent of cases the means of transmission was not identified.

The predicted number of cases in 2000 is more than 10,000.

As part of the programme entitled "Health of the Nation" the Government planned to take measures on AIDS prevention in 1998.

The Law on prevention of AIDS of 5 October 1994 entitles everyone in the territory of Kazakhstan to have an anonymous HIV test. Where there is sufficient justification (art. 6) citizens of the Republic of Kazakhstan, foreigners and stateless persons are obliged to have a medical examination.

Citizens of Kazakhstan and stateless persons (art. 7) are entitled to treatment free of charge in the event of HIV infection.

Persons infected with HIV or suffering from AIDS may not be dismissed from their employment, be refused employment, be refused admission to educational establishments or have other rights infringed.

Venereal diseases

123. Sexually transmitted diseases have a major impact on reproductive health. In 1998 the number of recorded cases per 100,000 members of the population was 231.4 for syphilis and 81.9 for gonorrhoea.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

124. See paragraph 1 of the commentary to article 12.

125. According to article 54, paragraph 1, of the Law on public health of 19 May 1997, women are entitled to decide for themselves the issue of motherhood. For the protection of women's health, other methods of preventing unwanted pregnancies may be used.

This article is in conflict with the Law on marriage and the family of 17 December 1998 which provides (in art. 29) that questions of motherhood and

fatherhood shall be decided jointly by the married couple.

Article 54 is now the only legislative norm regulating the right to the interruption of pregnancy. Together with article 117 of the Criminal Code (illegal abortion), in force from 1 January 1998, without any qualification as to the elements of the crime, the Law prohibits the interruption of pregnancy except on medical grounds. In practice, this norm is not applied but its very existence is a matter of serious concern for a number of women's NGOs that are in favour of the freedom of reproductive rights for both women and men.

126. Generally speaking, abortions are a pressing problem for Kazakhstan. Although during the past eight years their number has almost halved, abortions remain one of the main causes of maternal mortality. In 1998, about 150,000 were registered.

Lack of knowledge about methods and means of contraception, the restricted use that is made of them for a number of reasons, including economic ones, and the earlier onset of puberty increase the risk of pregnancy and lead to a rise in the number of abortions among adolescents, which constitute up to 10 per cent of all abortions performed. Programmes on modern methods of contraception and family planning are more common in towns than in rural areas where the availability of contraceptives is restricted. In 1998, only 1.5 million women were provided with contraceptives, which was no more than 27 per cent of those who needed them. Fewer than 40 per cent of women between the ages of 15 and 24 use modern methods of family planning. More than half the abortions are in this age group.

Table 32
Registered abortions and use of contraceptives

	Registered abortions, including mini-abortions		
	Total	*Per 100 live and stillbirths*	*Number of women using contraceptives*
1990	278 333	71.9	1 062 211
1991	358 484	76.7	1 119 461
1992	346 405	103.8	1 188 188
1993	290 703	92.3	1 232 481
1994	261 834	85.3	1 326 780
1995	224 084	80.6	1 493 584
1996	194 187	75.9	1 463 753
1997	156 751	66.7	1 567 122
1998	149 248	61.1	1 529 790

Table 33
Live births to women aged under 20 years in 1997

	Total number of births to women aged under 20 years	*Of which, births to women aged*				
		Under 16	*16*	*17*	*18*	*19*
Republic of Kazakhstan	27 791	326	1 276	3 668	8 920	13 601
Aqmola region	1 889	29	111	273	636	840
Aqtobe region	1 081	9	35	154	337	546
Almaty region	2 875	30	134	444	871	1 396
City of Almaty	1 041	11	32	122	321	555
Atyrau region	785	7	28	119	249	382
East Kazakhstan region	2 831	38	168	445	902	1 278
Zhambyl region	1 034	7	37	123	272	595
West Kazakhstan region	1 152	8	49	154	372	569
Qaraghandy region	2 910	51	174	448	933	1 304
Qyzylorda region	1 179	3	35	111	377	653
Qostanay region	2 299	47	168	385	729	970
Mangistau region	635	7	23	87	181	337
Pavlodar region	1 617	29	114	267	491	716
North Kazakhstan region	2 277	50	150	368	712	997
South Kazakhstan region	4 186	0	18	168	1 537	2 463

127. Article 54, paragraph 2, of the Law on public health of 19 May 1997 states: "Motherhood in the Republic of Kazakhstan shall be protected and encouraged by the State".

Guaranteed free public medical care for 1999 includes:

An immunization programme, including centralized procurement of vaccines and other immunobiological drugs for the vaccination of children in the Republic against diphtheria, tetanus, pertussis, poliomyelitis, measles, tuberculosis, and mumps;

Assistance provided by family outpatient units, midwifery units, district and town polyclinics, paediatric polyclinics (advisory centres) and women's advisory centres;

Dental services for children up to 18 years of age and for pregnant women;

Hospitalization in the maternity departments of multi-purpose hospitals, maternity homes and prenatal centres;

Physiotherapy for children up to 18 years of age;

In-patient medication for children up to 18 years of age;

Provision of specialized nutrition for children including babies under one year of age requiring alternatives to breastfeeding, fruit and vegetable purees, as well as cultured milk compounds;

Rehabilitation of children with all types of illnesses at the National Children's Rehabilitation and Therapeutic Centre, the Alataw Children's Clinical Sanatorium and the Aqsay National Children's Clinic.

Table 34
National budget funds allocated to maternal and child health, in thousands of tenge

Name of the organization	*1997*	*1998*	*1999*	
			Plan	*Allocated as at 1 July*
1. National Maternal and Child Health Research Centre	103 549.1	103 260	83 400	34 592
2. Centre for Paediatrics and Paediatric Surgery	102 020.5	90 464.4	107 230	38 953
3. Aksay National Children's Clinic	143 450.3	159 548.5	163 327	46 862
4. Alatau National Children's Clinical Sanatorium	47 931.4	37 065	31 249	9 214
5. National Children's Recuperation and Rehabilitation Centre	43 940.3	77 979.4	83 143	58 576
6. Balbulak National Children's Rehabilitation Centre	21 838.2	20 032.6	27 616	9 852
Total	**462 729.8**	**488 349.9**	**49 565**	**198 049**

Table 35
Basic health indicators

	1990	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*
Number of stillborns	3 713	3 461	3 100	2 629	2 564	2 373	2 311	2 109	2 100
Child deaths up to one year of age	9 674	9 732	8 882	9 075	8 382	7 710	6 654	5 889	4 843
Child deaths up to five years of age	12 686	12 614	11 570	12 049	11 088	10 644	8 905	8 036	6 740
Number of mothers dying in childbirth	199	170	193	156	148	159	134	137	122
Number of underweight newborns (below 2,500 g)	20 600	23 016	19 375	18 800	19 757	16 728	16 100	13 983	13 059
Percentage of pregnant women with anaemia	16	26	32	38	44	49	52	54	53
Number of stillborns per 1,000 live births	10.3	9.8	9.2	8.3	8.4	8.6	9.1	9.1	9.4
Child mortality (up to one year of age)	26.4	27.4	26.0	28.3	27.2	27.3	25.4	24.9	21.0
Child mortality (up to five years of age)	34.4	35.4	33.6	37.1	35.7	37.0	33.7	33.0	
Maternal mortality per 100,000 live births	55.0	48.1	57.2	49.4	48.4	57.6	52.9	59.0	
Number of underweight newborns per 100 live births	6	7	6	6	6	6	6	6	6

Table 36
Hospital facilities and medical personnel

	1993	1994	1995	1996	1997	1998
Number of doctors in all specialties (other than dentists)	...	61 080	60 125	57 912	54 519	53 181
Number of doctors per 10,000 of the population	...	38.9	37.8	37.6	35.6	34.3
Number of middle-level medical personnel (including dentists)	...	177 656	168 400	150 123	129 515	120 434
Number of middle-level medical personnel per 10,000 of the population	...	108.2	100.9	93.6	81.8	77.7
Number of hospital beds	...	205 653	192 627	164 444	136 392	123 493
Number of hospital beds per 10,000 of the population	...	123.8	116.9	100.3	87.0	79.6
Number of medical establishments providing outpatient clinic services	...	3 527	3 405	3 155	2 976	3 034
Women's advisory units	809	835	853	834	743	753
Number of maternity homes	...	...	44	38	39	40
Number of beds for women in pregnancy and the postnatal period	18 582	17 751	16 515	13 813	11 493	10 615
Paediatric polyclinics and departments	1 333	1 269	1 292	1 196	1 049	1 050
Number of paediatric hospital beds	45 985	40 921	37 372	31 432	24 998	22 669

128. Research carried out by the National Maternal and Child Health Research Centre indicates that by the age of 17 years over 60 per cent of adolescent girls have some form of health problem and over one third of them are under observation as a result of chronic diseases. The early diagnosis and treatment of pathology of the reproductive system in girl children and teenagers is therefore an urgent matter for the Republic.

Only two thirds of pregnant women come under early observation in women's advisory units. The overall attendance rate at such establishments has fallen by one third.

In the past 10 years, anaemia among pregnant women has doubled and diseases of the kidneys and the cardiovascular system have increased by 70 per cent.

Against the background of the low health indicator, the level of complications during pregnancy and childbirth is high; in 60 per cent of deliveries there is some form of complication and 288 out of every 1,000 newborns are ill at the time of birth.

129. About 3.7 thousand gynaecologists (14.6 per thousand births) are working in Kazakhstan. Forty maternity homes are in operation in the Republic and there is a network of specialized hospitals, gynaecology and obstetrics departments within specialized hospitals, and the National Maternal and Child Health Research Centre. In addition to women's advisory units, there are specialized outpatient clinics and nine medical and genetic units, and a start is being made on opening family planning units and marriage and family consultation units.

Artificial insemination and embryo implantation

130. Article 33 of the Law on public health of 19 May 1997 permits artificial insemination or an embryo implantation operation subject to the joint consent in writing of a legally married couple. The same interventions are permitted for an unmarried woman in accordance with her wishes.

The law provides for the anonymity of a donor and for confidentiality with respect to artificial insemination or an embryo implantation operation.

Paediatric health care

131. The number of children with chronic diseases in Kazakhstan is currently increasing and child mortality remains at a high level. Up to 80 per cent of young children, mainly living in rural areas, suffer from anaemia, undernutrition or rickets, or are psychologically and physically retarded.

Specialized foods for young children are not produced in the Republic and there are no regulations governing the supply of such items through import.

A start was made in the 1960s on a plan for the large-scale immunization of children and in the 1970s and 1980s a significant reduction in infections was achieved by means of State deliveries of vaccines and a uniform well-organized immunization system. In 1992 the existing system collapsed, and the supply of vaccines to the Republic ceased. As a result, there was a sharp decrease in the planned vaccination of children, the immunization of adolescents and adults ceased, leading to an epidemic growth in the incidence of diphtheria and other vaccine-controlled infections and a significant increase in mortality from such diseases.

The Government took certain measures to stabilize the situation, thereby lowering the incidence of certain infections. However, the epidemic situation in the country remains under strain, particularly as regards viral hepatitis A and respiratory and other diseases against which immunization is not carried out.

A standard immunization programme has now been introduced in Kazakhstan which provides for the vaccination of children against seven major infections against which a high rate of vaccination has been achieved.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and in all aspects of cultural life.

(a) The right to family benefits;

132. Men and women have equal rights to family benefits, as well as to social support in those cases where it exists.

(b) The right to bank loans, mortgages and other forms of financial credit;

133. In the economic and social life of Kazakhstan equal rights to obtain bank loans, mortgages and other forms of financial credit are ensured on the basis of equality of men and women.

The system of State support and development of female entrepreneurship is currently in an initial stage of creation.

The Republic's Agency for the Support of Small Business has, on its own initiative, drawn up a draft programme for the development of female entrepreneurship in Kazakhstan for 1999-2000 in which proposals from the Businesswomen's Association of Kazakhstan were taken into account.

For the purposes of ensuring self-employment and the development of family and individual entrepreneurship, a micro-credit programme needs to be implemented for those women who are least well provided for, particularly in rural areas. In the period of transition to market relations, issues of optimizing women's employment are of particular urgency. Working at home must become an important form of organizing women's work and a way of distributing their time more rationally between socially useful activity and their social role in the family.

The Government Micro-Credit Programme for the least well provided for citizens, begun in 1998, provides for issuing micro-loans in the amount of US$ 400 per person. By the middle of 1999, 16,207 micro-loans had been issued. Women accounted for 63 per cent of the recipients.

(c) The right to participate in recreational activities, sports and in all aspects of cultural life.

134. To judge from gender discrimination in sport and from the quantitative indicators for women going in for sport, it is clear that women are actively involved in a wide range of sports. The figures for 1998 show that 23,600 women were involved in the mass sports movement, representing 23 per cent of the total of those involved in amateur sport and physical culture in the Republic.

The total number of those registered as members of the various national sports teams in the Republic of Kazakhstan is 815, and of those 292, or 35.8 per cent, are women. There is a revival of women's cycling and water polo. Women have begun to take up sports which used to be considered exclusively male preserves, such as freestyle wrestling, boxing, football, weightlifting, judo and others.

Some 14.4 per cent of State employees in the Department of Physical Culture and Sport are women.

Kazakhstan's sportswomen include Lyudmila Prokasheva, who won a bronze medal in skating at the Nagano Winter Olympics, N. Kovalenko, the 1999 women's world champion in rifle shooting, and O. Vediasheva, the Asian downhill skiing champion. The women's ice hockey team won bronze in the 1998 Asian Winter Games.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health-care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement and schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

135. Forty-four per cent of Kazakhstan's population lives in rural areas. As of 1 January 1998, women made up 50.1 per cent of the total rural population.

As of 1 January 1998, the number of unemployed in the rural areas was 93,314, 42,283 of whom were men and 51,031 women.

The number of women in the rural areas who were unemployed for between 6 and 12 months was 12,689, or 24.9 per cent, and those out of work for more than a year came to 10,099 or 19.8 per cent.

The average per capita monetary income in 1998 was 29,626 tenge, with the urban figure being 40,879 tenge and the rural figure 17,907 tenge.

In agriculture the lowest average monthly wage was 3,704 tenge (in 1998), and the average per capita monetary income per month was 1,492 tenge (when the average subsistence minimum in Kazakhstan was 3,707 tenge).

Some 57 per cent of all needy people in Kazakhstan live in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they

participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

136. Participation is through elections to local representative bodies — *maslikhats*, where elected women deputies of *maslikhats* take part in drawing up and implementing development plans at all levels.

(b) To have access to adequate health-care facilities, including information, counseling and services in family planning;

137. Rural inhabitants are in the most difficult situation; because of the socio-economic problems that have occurred they are not able to maintain an adequate diet. The majority lack general access to reproductive health services. A worsening in the provision of medical care to rural women has resulted in maternal mortality remaining at a very high level. The maternal mortality rate for the Republic is 77.5 per 100,000 live births, and 60 per cent of those deaths are of rural women. The predominant reasons for maternal mortality are, as in the past, abortions, obstetric haemorrhaging and pregnancy complications.

The number of home births has increased, and providing help to pregnant women has become more difficult because of the increase in obstetric and gynaecological services for which charges are levied and the fact that they are less accessible for the socially vulnerable categories of the population.

(c) To benefit directly from social programmes;

138. The right to social insurance is extended to all citizens of Kazakhstan on an equal basis. For more details, see the commentary on article 11 (e) of the Convention.

139. For specific categories of rural women certain privileges have been established, specifically:

The law of 16 July 1996 established the retirement age for workers engaged in nomadic animal husbandry at 55 for men and 50 for women. Since 1 January 1998 pensions for those who have retired from nomadic animal husbandry are calculated on a common basis.

The law on pension provisions in the Republic of Kazakhstan of 20 June 1997 gives women living in rural areas and who have given birth to five or more children and raised them up to the age of eight the right to a pension on reaching the age of fifty (as from 1 July 2001, from the age of 53).

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

140. The right to education and professional and other training is extended to all citizens of Kazakhstan on an equal basis. For more details see the commentary on article 10 (e) of the Convention.

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

141. This right is guaranteed to women on general grounds, without any gender discrimination.

(f) To participate in all community activities;

142. This right is guaranteed to women on general grounds, without any gender discrimination.

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement and schemes;

143. The reforms being carried out in Kazakhstan apply equally to men and women.

The Ministry of Agriculture has recommended to local authorities that they allocate plots of land on a priority basis to mothers with large families and to single mothers.

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

144. At present, because of the socio-economic problems that have arisen, rural women are not able to maintain an adequate diet. Because of the high cost of transport, and at times the lack of transport, they are unable to get to district and regional centres sufficiently quickly for medical examination and timely hospitalization.

Table 37
Services and utilities of the Urban and Rural Housing Fund at year-end in percentage terms

	Urban			*Rural*		
	1995	*1996*	*1997*	*1995*	*1996*	*1997*
Proportion of accommodation equipped with:						
Running water	76	74	74	22	18	15
Sewerage system	72	70	70	6	6	5
Central heating	73	70	72	11	10	7
Gas	81	76	76	81	77	72
Hot water	56	57	56	2	2	1
Baths (shower)	65	64	65	4	4	3
Floor-standing electric stoves	10	11	12	0.1	0.2	0.3

Part IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical of that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

1. States Parties shall accord to women equality with men before the law.

145. Article 14 of the Constitution, adopted on 30 August 1995, states that all are equal before the law and before the courts.

The Civil Code (special part), which entered into force on 1 July 1999, does not divide the legal capacity of citizens on the basis of gender.

2. States Parties shall accord to women, in civil matters, a legal capacity identical of that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.

146. See previous paragraph.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women, shall be deemed null and void.

147. See paragraph 143. In addition, under the Law on marriage and the family of 17 December 1998 the marriage contract (art. 40) may not limit the legal capacity or capability of the spouses, or their right to have recourse to the courts to protect their rights.

The marriage may be declared invalid by a court (art. 42 of the Law on marriage and the family of 17 December 1998).

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

148. The Constitution of 30 August 1995 guarantees everyone (art. 21) who is legally in the territory of Kazakhstan the right of free movement in its territory and free choice of domicile, as well as the right to leave Kazakhstan and the right for citizens of the Republic to return to Kazakhstan unhindered.

The Law on marriage and the family of 17 December 1998 guarantees each spouse (art. 29) the freedom to choose his or her domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify the minimum age for marriage and to make the registration of marriages in an official registry compulsory.

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on the basis of equality of men and women:

149. The Law on marriage and the family, which entered into force on 17 December 1998, contains in article 2 (here and in the remainder of the commentary on article 16 of the Convention the term "article 4" refers, unless another law is mentioned, to the Law on marriage and the family) the following basis for marriage and family legislation:

1. Marriage and the family, maternity, paternity and childhood are protected by the State.

2. The marriage and family legislation of the Republic of Kazakhstan is based on the principles of:

(i) The voluntary nature of the marriage bond between the man and the woman;

(ii) Equality of rights of the spouses within the family;

(iii) The inadmissibility of arbitrary interference by anyone in a family's affairs;

(iv) The settlement of family matters on the basis of mutual consent;

(v) The priority of bringing up children within the family, and taking care of their development and welfare;

(vi) The priority protection of the rights and interests of underaged and disabled family members;

(vii) Ensuring the unimpeded enjoyment by family members of their rights and the possibility of court protection of those rights;

(viii) Stimulating a healthy way of life for all family members.

(a) The same right to enter into marriage;

150. Article 2 establishes the principle of voluntariness in the marriage bond between a man and a woman, equality of spouses in the family, settlement of family matters on the basis of mutual consent, and the prohibition of all forms of restricting citizens' rights in entering into marriage and in family relations on the basis of social status, race, nationality, language or religious affiliation.

151. The Marriage and Family Code of 6 August 1996 established the age of marriage for men and women as 18 years (article 16). In exceptional circumstances, the local executive authorities can lower the age of marriage by one year, but only for women.

The Law of 23 December 1992 established the age of marriage for men as 18 years and for women 17 years. In exceptional cases, the local executive authorities could lower the age of marriage, but not by more than one year.

The Law on marriage and the family of 17 December 1998, in article 10, established the age of marriage as 18 years for both men and women, providing in exceptional cases for the lowering of the age of marriage by up to two years but only with the consent of the parents or guardians. All provisions regarding the age of marriage which existed in previous editions of marriage and family legislation and which were discriminatory on grounds of sex have thereby been removed.

152. Marriage between persons at least one of whom is already in another registered marriage is prohibited (article 11).

The Criminal Code which was in force until 1 January 1998 stated that bigamy and polygamy were punishable by imprisonment for up to two years (article 107). Bigamy and polygamy were interpreted as cohabitation with two or more women in a joint household irrespective of whether the marriage was officially registered.

This crime was not included in the new Criminal Code, which entered into force on 1 January 1998.

Polygamy is traditionally not widespread in Kazakhstan, and most cases occur in the southern regions of the Republic.

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

153. The Law on marriage and the family gives the following definition of marriage:

Marriage is an equal union between a man and a woman concluded with the free and full consent of the parties in accordance with the established law and with the purpose of creating a family, generating property and personal non-property relations between the spouses.

154. The Criminal Code which was in force until 1 January 1998 provided for a penalty of up to one year's imprisonment (art. 106) for coercion to enter into a marriage or coercion to continue marital cohabitation and also for preventing a woman entering into marriage by her own choice.

The same article stated that abducting a woman against her will was punishable by imprisonment for up to three years.

These elements of the crime were not included in the new Criminal Code, which entered into force on 1 January 1998.

(c) The same rights and responsibilities during marriage and at its dissolution;

155. Spouses enjoy equal rights and bear equal responsibilities (art. 29). Each spouse is free to choose his or her type of activity, profession and place of residence. Questions relating to the upbringing and education of children and other questions relating to family life are decided jointly by the spouses. Spouses are obliged to build their family relations on the basis of reciprocity, respect and mutual assistance, to promote the well-being and strengthening of the family and to care for the health, development and welfare of their children.

156. Marriage may be terminated by dissolution on the application of one or both spouses or on the application of the guardian of a spouse recognized by the court as incapable (art. 15). Dissolution of a marriage without the consent of the wife is not permitted during her pregnancy or during the first year of the child's life.

Dissolution of a marriage shall be registered with an official registry office in the event of the mutual consent of the two spouses to the dissolution of the marriage (art. 16).

Disputes arising between the spouses on dissolution of the marriage at the registry office shall be reviewed by the court (art. 17).

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

157. The Law on marriage and the family considers the rights and responsibilities of parents in matters relating to their children irrespective of whether the parents are married to each other.

Children born out of wedlock enjoy the same rights and responsibilities as children born to persons who are married to each other (art. 51).

Parents have equal rights and bear equal responsibilities in matters relating to their children (art. 60).

All questions relating to the upbringing and education of children are to be resolved by the parents by mutual agreement, on the basis of the interests of the children and taking into account the views of the children. In the event of a dispute between the parents, they (or one of them) shall have the right to apply to a guardianship authority or to the court for a decision (art. 62).

Parental rights may not be exercised in a manner contrary to the interests of the children. Guaranteeing the interests of the children must be the main concern of their parents.

In exercising their rights, parents shall not have the right to cause bodily or psychological harm to their children or to their moral development. The methods of bringing up children shall exclude scornful, cruel, rough and humiliating types of treatment, as well as the abuse and exploitation of children (art. 64).

158. The filiation of a child (art. 46) born to parents who are married to each other is confirmed by the registration of the parents' marriage.

In the case of the birth of a child within 270 days from the date of dissolution or annulment of a marriage or from the date of death of the husband of the child's mother, the mother's former husband is recognized as the father of the child, unless it is proved otherwise.

If the mother of the child declares that her husband (or former husband) is not the father, the paternity of the child is established by the courts.

The filiation of a child born out of wedlock to the mother (maternity) is established on the basis of documents confirming the birth of the child to the mother at a medical facility, or, in the event of the birth of the child outside a medical facility, on the basis of medical documents testifying to the fact or other evidence.

The paternity of a person who is not married to the child's mother is established by the submission to the registry office of a joint declaration by the father and mother of the child; in the event that the mother has died or has been declared incapable, or if her whereabouts cannot be established or if she has been deprived of her parental rights, paternity is established by a declaration by the father of the child with the consent of the guardianship authority, or, in the absence of such consent, by a decision of a court.

If the authenticity of the paternity of a man who is not the husband of the mother has been established, the mother has the right to demand from him, through the courts, the appropriate financial support to cover the expenses of her maintenance during the antenatal and postnatal periods. The amount of the financial support is determined by the court, on the basis of the material and family status and other valid interests of the parties and in accordance with the accounting index in force at the time of payment of the financial support.

In the absence of a joint declaration by the parents or a declaration by the father of the child (art. 47), the filiation of the child to a certain person (paternity) is established by the courts on the application of one of the parents, the guardian of the child or the person at whose expense the child is being maintained, and also on the application of the child himself or herself on attaining his or her majority. In such case, the court shall take into consideration the evidence which reliably confirms the filiation of the child to a certain person.

In the event of the death of a person who has acknowledged that he is the father of a child (art. 48) but who was not married to the child's mother, the fact that he acknowledged paternity may be established by the courts according to the rules established by the legislation on civil procedure.

A child has the right to a relationship with both parents.

In the event that the parents live apart, the child has the right to a relationship with each of them. The child has the right to a relationship with his or her parents also in the event of them living in different States (art. 53).

A parent who is living apart from the child (art. 65) has the right to a relationship with the child, and to participate in his or her upbringing and in decisions on matters relating to the education of the child.

The place of residence of children in cases where the parents are living apart is established by agreement between the parents.

In the absence of such agreement, the dispute between the parents is settled by the courts, on the

basis of the interests of the children and taking their views into account.

Parents have the right to conclude a written agreement on the manner in which the parental rights of a parent living apart from the child are to be exercised.

If the parents cannot reach agreement, the dispute is settled by the courts with the participation of the guardianship authority at the request of the parents (or of one of them).

In the event of a deliberate failure to comply with the decision of the court, the court, at the request of the parent living apart from the child, may decide to transfer the child to that parent, on the basis of the interests of the child and taking the child's views into account.

159. The parents (or one of them) may be deprived of their parental rights (article 67) if they: avoid fulfilling their obligations as parents; abuse their parental rights; treat the children cruelly, for example by using physical or psychological violence against them or sexually abusing them; or have been recognized legally as suffering from alcoholism, drug abuse or solvent abuse.

2. Parents (or one of them) may be deprived of parental rights if they have deliberately committed a crime against the life or health of their children or spouse.

Deprivation of parental rights is decided on by the courts (art. 68).

Deprivation of parental rights does not relieve parents of the responsibility of providing for the maintenance of their child (art. 69), a responsibility which ceases with the adoption of the child. At the request of parents (or one of them) who have been deprived of parental rights, the guardianship authority may permit meetings with the child if that does not expose the child to a harmful influence.

The court may, taking into account the interests of the child, decide to limit parental rights by removing a child from the parents (or one of them) without depriving them of their parental rights (art. 71).

Limitation of parental rights does not relieve parents of their responsibility for the upkeep of the child (art. 72). Parents whose parental rights have been limited by a court may be allowed contact with the child if that does not expose the child to a harmful influence.

In the event of a direct threat to the life or health of a child (art. 74) the guardianship authority has the right to remove the child immediately from the parents (or one of them) or from other persons who are caring for the child.

160. The Law of 6 December 1990 (art. 66.4) grants not only the mother but also the father and any other relative of a child under three years of age who is hospitalized and also of a seriously ill older child the opportunity to be with him or her in the medical facility and to receive social security benefits while there.

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

161. Questions relating to the maternity, paternity, upbringing and education of children and other questions relating to family life shall be decided by the spouses jointly (art. 29).

Persons wishing to enter into marriage have the right to consultation and medical and medical-genetic examination and advice on reproductive health protection questions at specialized health-care institutions, but only with the mutual consent of both parties entering into the marriage (art. 12).

162. Forcing a woman to have an abortion (art. 109) is punishable by corrective labour for a period of up to one year. If the abortion has serious consequences, the punishment is imprisonment for up to two years.

This element of a crime was not included in the new Criminal Code, which entered into force on 1 January 1998.

163. The National Plan of Action to improve the Status of Women in the Republic of Kazakhstan, adopted by the Government on 19 July 1999, calls for the preparation in 2000 of draft legislation on human reproductive rights and guarantees of their implementation.

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

164. Parents are the legal representatives of their children (art. 63) and defend their rights and interests in relations with any individuals and bodies corporate, including the courts, without any special powers.

165. Adoptive parents may be persons of full legal age of either sex (art. 80). Adoption shall be permitted if the adoptive family provides the conditions for the normal development, upbringing and education of the child. Persons who are not married to each other may not jointly adopt the same child.

Adoption is permitted in the case of minor children but only if it is in their interests (art. 76).

166. Article 81, for the first time in the legislation of Kazakhstan, establishes the minimum age difference between the adopted child and the adoptive parent if the latter is not married. This difference must be no less than 16 years, irrespective of sex. For reasons which are recognized by a court as valid, the age difference may be reduced.

In the case of the adoption of a child by a stepfather (or stepmother), the age difference established in paragraph 1 of this article is not mandatory.

In the case of the adoption of a child by one of the spouses (art. 85), the written agreement of the other spouse to the adoption is required unless both spouses adopt the child. The spouse's agreement to the adoption of the child is not required if the spouses have to all intents and purposes terminated their family relationship and have been living apart for over a year and if the place of residence of the other spouse is not known.

Adopted children lose their personal non-property and property rights (art. 89) and are relieved of their obligations towards their own parents (and relatives).

In the case of the adoption of a child by one person, the personal non-property and property rights and obligations may be retained, at the mother's request if the adoptive parent is a man, or at the father's request if the adoptive parent is a woman.

167. Only persons of full legal age, of either sex, may be a trustee or guardian (art. 108). If a person who has been appointed a trustee or guardian of a minor child is married, the consent of his or her spouse is required.

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

168. On entering into a marriage, the spouses choose, as they wish, one of their family names to be their joint family name, or each of the spouses keeps his or her pre-marital family name, or they attach the family name of the other spouse to their own family name (art. 30). A change of family name by one of the spouses does not entail a change in the family name of the other spouse. In the event of dissolution of the marriage, the spouses are entitled to keep their joint family name or to resume their pre-marital family name.

The family name of a child is determined by the family name of the parents (art. 55). In cases where the spouses have different family names, the child is given the family name of either the father or the mother by agreement between the parents. Differences of opinion arising between the parents concerning the first name and/or the family name of a child are decided by the courts.

If the parents so wish, the family name of the children may be taken from the grandfather's first name, in accordance with national tradition.

In the event of dissolution or annulment of a marriage, the children retain the family name given to them at birth (art. 56). If the parents are living apart and the parent with whom the child is living wishes to give the child his or her family name, the registry office decides the matter depending on the interests of the child and taking into account the view of the other parent.

169. Each spouse is free to choose a type of activity, a profession and a place of residence (art. 29).

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

170. Property acquired by the spouses during their marriage is their common property (art. 32).

The property acquired by the spouses during their marriage (the common property of the spouses) includes the income of each spouse and the income derived by the spouses from their joint property and

from the separate property of each spouse. The common property of the spouses also includes movable and immovable property, securities, shares, investments and capital deposited with credit institutions or other commercial organizations and any other property acquired with the joint income of the spouses during their marriage, irrespective of in whose name it was acquired or which of the spouses deposited the money.

A spouse who during the period of marriage was engaged in managing the household and taking care of the children, or who for other valid reasons did not have an independent income, also has a right to the common property of the spouses.

171. The spouses shall reach mutual agreement regarding the ownership, management and disposition of their common property (art. 33).

A transaction concluded by one of the spouses involving the disposition of the common property of the spouses may be nullified by a court on the grounds of the lack of consent of the other spouse only at the request of that spouse and only in those cases where it is proved that the other party to the transaction knew or should have known the lack of consent of the other spouse to the transaction.

172. Apart from the common property, the legislation of Kazakhstan provides for the right of each spouse to his or her own property.

The property of each of the spouses includes (art. 34):

(1) Property belonging to each of the spouses prior to the marriage;

(2) Property received by the spouses during the period of the marriage as a gift or an inheritance or through some other transaction free of charge;

(3) Items for individual use (including clothing and footwear), excluding jewellery and other luxury items, even if they were acquired during the marriage with the common means of the spouses.

2. Property acquired by each of the spouses while living apart as a result of the termination of the marriage may be recognized by the court as the property of each of them.

173. Both during the marriage and after its dissolution the common property may be divided (art. 36) at the request of either of the spouses, and also if a creditor makes a request for the separation of the common property of the spouses in order to recover the amount of a debt from one spouse's share of the common property of the spouses.

The common property of the spouses may be divided between the spouses with their agreement. In the event of a dispute, the court divides the common property of the spouses and determines the spouses' shares of that property.

Items obtained exclusively to meet the needs of minor children are not subject to division, and are transferred to the spouse with whom the children are living.

In the division of the common property of the spouses and the determination of the shares in that property, the shares of each of the spouses are recognized as equal (art. 37) unless it has been otherwise agreed between them.

The court has the right to deviate from the principle of equality of the spouses' shares in their common property on the basis of the interests of minor children and/or the interests of one of the spouses if the other spouse has unjustifiably received no income or has spent the common property of the spouses to the detriment of their interests.

The spouses had the right to change the regime governing common property established by law by concluding a marriage contracting Kazakhstan (art. 40).

A marriage contract may not: limit the legal capacity or competence of the spouses or their right to appeal to a court to protect their rights; regulate the personal non-property relations between the spouses or the rights and responsibilities of the spouses with regard to their children; provide for the limitation of the right of a disabled spouse in need to receive maintenance; or contain other conditions which would place one of the spouses in an extremely unfavourable situation or would be contrary to the basic principles of the legislation governing marriage and the family.

A marriage contract may be concluded either prior to the registration of the marriage or at any time during the marriage (art. 39).

A marriage contract may be amended or terminated at any time by agreement between the spouses (art. 41) or by a court decision at the request of one of the spouses.

The Civil Code (special part), which entered into force on 1 June 1999, guarantees the equal property

and personal non-property rights of the spouses and equal rights in inheritance.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

174. A child is considered to be a person under 18 years old (art. 52).

175. The minimum age for marriage is set at 18 years of age for men and women (art. 10).

176. Marriages may be concluded (art. 13) and dissolved (art. 16) only in an official registry office. In the event of the dissolution of a marriage by the courts, the fact of the dissolution of the marriage is registered in an official registry office.

177. Birth, death, marriage, the dissolution of a marriage, adoption, the establishment of paternity (or maternity) and a change of name, patronymic or family name are required to be registered in an official registry office (art. 163).

Legislation and other measures to combat sexual harassment in accordance with general recommendation 12 of the Committee on the Elimination of All Forms of Discrimination against Women

178. The concept of sexual harassment does not exist in the legislation of Kazakhstan.

The only act which is covered by the law and which is included in the Criminal Code as an element of a crime is forcing a person to have sexual intercourse (art. 123) or to commit some other act of a sexual nature by using blackmail, by threatening to destroy, damage or remove property by taking advantage of the victim's material or other form of dependence.

Information to the effect that sexual harassment is also a form of violence against women and as to what constitutes sexual harassment is disseminated by non-governmental organizations through the mass media and seminars by other means. For instance, during the electoral campaign in 1998, the Women's Electoral Initiative coalition handed such information to all the candidates for the presidency.